

TOWN OF ACTON

ANNUAL TOWN MEETING WARRANT



FOR APRIL 5, 2004

**The Annual Town Meeting will convene at 7:00 P.M. in the
Acton-Boxborough Regional High School Auditorium
96 Hayward Road**

VERY IMPORTANT NOTICE

As required by Town Bylaw, the Annual Town Meeting will officially begin April 5. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to have the Annual Town Meeting called to order at 7:00 P.M. on April 5, and immediately move to adjourn the meeting to Wednesday, April 7 at 7:00 P.M. At that time, the business of Town Meeting will proceed.

NOTICE OF MEETINGS AND ELECTION

ANNUAL TOWN ELECTION TUESDAY, MARCH 30, 2004 7:00 A.M. – 8:00 P.M.

Precinct 1 – Nagog Woods Club House – 100 Nonset Path

Precinct 2 – Conant School – 80 Taylor Road

Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division web site **www.WhereDoIVoteMA.com** or contact the Town Clerk's office by e-mail at **clerk@acton-ma.gov** or telephone at **(978) 264-9615**.

ANNUAL TOWN MEETING MONDAY, APRIL 5, 2004 7:00 P.M.

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

Table of Contents

Article Index.....	1
Board of Selectmen's Message	3
Town Manager's Message	6
Finance Committee's Message	8
Warrant.....	10
Consent Calendar	11
Articles	14
East Acton Village Plan – Introduction to Articles.....	51
Glossary of Terms Commonly Used in Municipal Finance.....	95
Parliamentary Procedure	98
Internet References.....	101
Volunteer Application.....	103
Proposed Town Meeting Booklet	105

Article Index

<u>Article</u>	<u>Title</u>	<u>Page</u>
1	Choose Town Officers	14
2	Hear and Accept Reports	14
3 *	Council on Aging Van Enterprise Budget	15
4 *	Nursing Enterprise Budget	15
5 *	Septage Disposal Enterprise Budget	16
6 *	Sewer Enterprise Budget.....	17
7	Budget Transfer.....	17
8	NESWC Enterprise Budget.....	18
9 *	Section 53E½ Self-Funding Programs	19
10 *	Chapter 90 Highway Reimbursement Program	21
11 *	Insurance Proceeds.....	21
12 *	Federal and State Reimbursement Aid.....	22
13 *	Sale of Foreclosed Properties.....	22
14 *	Transfer of Funds – Cemetery Land Fund	23
15 *	Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986.....	23
16	Town Operating Budget.....	24
17 *	Town Board Support – Special Projects	24
18	Community Preservation Program – Direct Appropriations from Fund Balance.....	25
19	Acton Public Schools Budget	31
20	Heating System Repairs – Douglas Elementary School	31
21	Acton-Boxborough Regional School District Assessment	32
22	Minuteman Regional School District Assessment.....	32
23 #	Amend Zoning Bylaw – 80 and 84 Piper Road	33
24 #	Amend Zoning Bylaw – Vehicle Wholesale and Storage as an Accessory Use.....	34
25	Provision for Hours of Operation of Non-Residential Outdoor Lighting.....	36
26	Amend Zoning Bylaw – Outdoor Lighting Regulations.....	38
27 #	Acton Citizens for the Bill of Rights	48
28	Amend Zoning Bylaw – East Acton Village Plan – Village Green Rezoning	52
29	Amend Zoning Bylaw – East Acton Village Plan – 8 Wetherbee Street Rezoning	52
30	Amend Zoning Bylaw – East Acton Village Plan – District Use Regulations	53
31	Amend Zoning Bylaw – East Acton Village Plan – EAV Dimensional Regulations.....	56
32	Amend Zoning Bylaw – East Acton Village Plan – EAV Special Provisions.....	57
33	Amend Zoning Bylaw – East Acton Village Plan – Site Plan Review Threshold for EAV	62
34	Amend Zoning Bylaw – East Acton Village Plan – EAV-2 District.....	64
35	Amend Zoning Bylaw – East Acton Village Plan – Options for Density Increases in EAV	68
36	Amend Zoning Bylaw – East Acton Village Plan – EAV District Parking Requirements	74
37	Amend Zoning Bylaw – East Acton Village Plan – Modified Sign Regulations for EAV	78
38	Amend Town Bylaw – East Acton Village Plan – Prohibition of Motorized Craft on Ice House Pond	80
39	Amend Zoning Bylaw – South Acton Village District – Multi-Family Dwellings	81
40	Amend Zoning Bylaw – Adjustments to Section 9B – Senior Residence	81
41 *	Amend Zoning Bylaw – Housekeeping	85
42	Amend Zoning Bylaw – Amend Agricultural Use Definition.....	87
43	Amend Zoning Bylaw – ARC District Changes	88
44 *	Street Acceptance – Bellows Farm Subdivision	89

45	*	Street Acceptance – Maple Creek Farm Subdivision	90
46	*	Street Acceptance – North Acton Woods Subdivision	91
47	*	Land Gift – 190 Arlington Street	92
48	*	Land Gift – North Acton Woods Subdivision	92
49	*	Drainage Easement – Squirrel Hill Road	93
50	*	Sidewalk Easement – Arlington Street	93
51	*	Amend Town Charter.....	94

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Board of Selectmen's Message

April 5, 2004

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a longstanding tradition of governing themselves by means of an open Town Meeting. In order to achieve the best results we need your participation and encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on cable television channel 8.

Town Meeting Dates, Times and Location

Annual Town Meeting will begin on Wednesday, **April 7, 2004** (Town meeting will be officially opened on Monday, April 5 and immediately continued to April 7th to allow the observation of religious holidays). Town meeting is then expected to continue on Monday, **April 12** and any additional consecutive nights as required. All sessions will begin at 7:00 P.M. in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and obtain additional information.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committees, other Boards, staff and citizens. The Selectmen determine the order that the Articles are printed to appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these Articles must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the **motion** made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but as indicated above must be within the scope of the Article. Accordingly, it is suggested that each attendee listen closely to the reading of the **motion**, and any amendments made before voting.

For a better understanding of parliamentary procedure, please review the section of the warrant entitled Parliamentary Procedure and a Basic Guide to Town Meeting Process as written by the Town Moderator.

Information on Specific Warrant Articles

The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in

advance concerning any of the proposed Articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry may be made to the Town Manager's office (978-264-9612) for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Citizens' Library, Acton Police Station, and Acton Town Hall. Copies of the Schools' Operating Budgets will be made available in advance of the meeting at the Superintendent's Office (978-264-4700). Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or the Moderator will be available in the auditorium during the Meeting to answer informational questions which may not be of interest to the entire assemblage on a one on one basis.

New Warrant Articles for 2004

There are a number of new proposals this year including an article appropriating funds from Acton's Community Preservation Fund. Since its adoption by Acton citizens last year, the Community Preservation Committee convened, drafted its CPC Plan and will present its recommendations for funding. This year the Town received over \$473,000.00 in state matching funds to be spent on open space, affordable housing, historic preservation and recreation. In addition, there are a number of zoning articles including the complement of articles concerning the East Acton Village. For the past three years, the East Acton Village Planning Committee has met and the fruits of their labor will be presented for consideration by the Town voters. One article proposes amendments to the Town's Zoning Bylaw concerning Outdoor Lighting Regulations and there are a number of citizens' petitions concerning zoning issues. A citizens' petition will be presented concerning the Patriot Act as well.

Municipal and School Budgets

As part of the continuing effort to coordinate long range financial planning, members of the Board of Selectmen, the School Committees and the Finance Committee met on a regular basis to coordinate the annual budgets and to develop both expenditure and revenue projections for the coming years. Acton continues to weather the economic storm, now in its second year of a three-year financial plan. Having passed an override last year, the Town and the Schools were able to maintain adequate services in the face of severe cutbacks in expected revenues, steep reductions in State Aid, and rising costs. In order to maintain its pledge that there would be no operating override proposed for this year, we have been forced to make cuts in existing services. In accordance with the adopted long range forecasting, we are proposing to use substantial portions of available Free Cash to meet that objective.

On the budgetary side, the constraints imposed by Proposition 2½ along with factors largely outside of our control such as continuing large increases to health insurance, pensions and negotiated wage increases, increases in school enrollments, unfunded state mandates, and public safety concerns create a serious and ongoing structural funding problem. As predicted, there has been no revenue growth over the last two years (Acton's state funding was cut over 17% last year) and at the time this warrant was printed, the state may only level fund its obligations. Despite these impositions, budgets must increase to include larger than 2½% growth in negotiated wages, health insurance and pension costs. Although this problem has been with us for a number of years, revenue growth from state aid and new development along with careful budgetary management has succeeded in maintaining only barely satisfactory levels of service. In order to achieve this fiscal stability, however, the Town's and School's capital maintenance needs have been continually sacrificed. The challenges Acton faces in the next year will require that unfunded operating costs be addressed while including neglected capital needs. All of the relevant Committees and Boards are working on a plan to address these issues going forward for the next few years. As included as part of its three-year plan and without substantial new revenues, which are not

envisioned at this time, the Town will face either an override in FY 06 or be forced to make drastic reductions in the most basic services.

Acton continues to address these budget “drivers” in many ways. With the help of the Town’s Finance Committee members and School Committees’ members, Acton has taken steps to better control and manage its health insurance costs; to address on a statewide level the mismanagement of the Middlesex Retirement Pension to help reign in burgeoning costs; and will work together with its employees to negotiate fair and reasonable contracts that are consistent with the fiscal constraints the Town and Schools face.

Deep Gratitude to All the Town’s Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town’s many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand so does the need for volunteers. We extend our deepest gratitude and thanks to all those of you who give so freely of your time and resources to the betterment of all Acton’s citizens. THANK YOU!

We invite anyone interested to get involved and help contribute to the process. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handing it to any Selectman at this meeting. If you are interested in serving on the Finance Committee, appointments are made by the Town Moderator. For all other non-elected Town Boards and Committees, the Board of Selectmen is the appointing authority. We welcome and invite you to submit an application and participate in determining your future and keeping the democratic process alive and well.

Walter M. Foster, Chair
Peter K. Ashton, Vice Chair
F. Doré Hunter, Clerk
William H. Shupert
Robert Johnson

Board of Selectmen

Town Manager's Message

For more than a decade I have expressed my concern for the continued plight of the Municipal Budget. Last year, shortly after I wrote my message for the Annual Town Meeting Warrant, the Voters of Acton generously approved an Operating Override. We are grateful for this expression of confidence and assure you that we will do everything in our power to continue to justify your support.

Even with the Override, however, large increases in several fixed categories of the Municipal Budget consumed more than the Municipal share of available new revenues for the year (including the Override). As a consequence, the net “effective” Municipal Budget for FY04 was significantly lower than the FY03 Budget.

Looking back, one can see that although last year was stressful, at least there was the hope and, ultimately, the realization of some relief resulting from the Override. Looking forward to FY05, there is no such hope. The financial plan of the Selectmen and School Committees calls for the FY05 Budgets to be prepared without reliance upon, or anticipation of, an Override. The Municipal Budget presented in this Warrant has been prepared accordingly.

With no hope of supplemental funding from an Override, the outlook for Municipal services is bleak. I have been a Municipal employee for over 31 years – the last 17 as Town Manager. In all this time, there has been only one other year - during the collapse of the “Massachusetts Miracle” - that even approached the grim outlook for FY05 in terms of the impact on our ability to provide critical Municipal services.

The total of new revenues available to the Municipal Budget for FY05 is \$739,000. Unfortunately, this is woefully inadequate to fund the needs of our various departments, as expressed by our Department Heads. Their requests - just for the funding necessary to maintain FY05 core services at the FY04 level - exceeded the Municipal share of available new revenues by nearly \$3,000,000. Said another way, this budget provides less than 85% of the funding that our Departments need to maintain their services in FY05. This deficit will go un-funded in FY05 and loom as unfulfilled needs when we start the budget process again next year.

As we experienced last year, there are several significant fixed-cost increases that influence the FY05 Municipal Budget. Health Insurance costs continue to rise rapidly while ongoing problems with the Middlesex Retirement Board have resulted, again this year, in a substantial increase in our pension assessment from the Middlesex Retirement System. These two items, alone, have consumed more than the entire \$739,000 of new revenues available to the Municipal Budget, as noted in the preceding paragraph. Again this year, we enter the FY05 Budget with less effective resources than we have in the FY04 Budget ... and that is before addressing the following critical needs:

1. **CRITICAL PUBLIC SAFETY FACILITY SUPPORT:** The new Public Safety Facility is scheduled to open in the second half of FY05. This requires that we anticipate certain new start-up costs that we do not currently have in our budget. One of the important efficiencies we will realize with this facility is a central, combined civilian dispatch service for both the Police and Fire Departments. This critical emergency answering and dispatch function takes on an even higher priority in these troubled times. In order to provide this enhanced emergency service we will need to increase the number of civilian dispatchers we employ. We have made commensurate staff and program cuts in other areas of the Municipal Budget (as noted below) in order to accommodate this service. Also, although the balance of our budget does not adequately address the ongoing maintenance needs for our Municipal facilities, we have made provision for one full-time custodian to be assigned to the Public Safety Facility.

2. **CRITICAL FINANCE DEPARTMENT SUPPORT:** Our Finance Department has been severely overworked and understaffed for a number of years. Services in this Department have been stretched to the breaking point. Every aspect of the Municipal organization relies on the timely, accurate and reliable services of the Finance Department. Failure in this area is not an option. The FY05 Budget includes provision for one additional FTE to shore up this critical function.

The total of necessary increases to be funded in the FY05 Budget, including fixed-costs and the critical support functions noted above, is over \$1,500,000. With less than \$740,000 available in new revenues to cover all of our increased costs, the Municipal Budget, once again, is experiencing a substantial shortfall which cannot sustain even a maintenance budget. Over \$750,000 of existing Municipal services have been cannibalized in order to support the most critical of our services.

In order to produce a balanced budget, 19 New Personnel requests from our departments – other than those described above – were denied. In addition, a substantial amount of coverage (overtime and substitute pay) has been eliminated from the Public Safety budgets and several staff positions were eliminated in other departments. No New or Replacement Capital and no New Programs that our departments requested for the support of their service functions in FY05 have been funded. Finally, over \$700,000 of major program cuts were made to existing services in order to close the remaining gap.

It should come as no surprise that the allocation of available funds is wholly inadequate to sustain Municipal Services. This fact is driven home by the irony of the necessity to reduce our already-insufficient workforce in order to fund new costs that must be accommodated. We have managed significant funding shortfalls in prior years, without jeopardizing Public Safety functions, by forcing reductions into some of our less critical service areas. We no longer have those resource areas available. In order to squeeze this budget into the available funding, we have had to resort to significant cuts in all of the departments that provide for the safety and welfare of the public (Police, Fire, Highway, Building and Health).

Our critical functions are in danger of catastrophic failure, our fleet has suffered the brunt of budgetary shortfalls for many years, our infrastructure maintenance programs have been reduced to a pittance ... and there is no relief in sight.

Respectfully submitted,

Don P. Johnson,
Town Manager

Finance Committee's Message

Last year, town officials promised no override for FY05. The budgets that you see before you fulfill that commitment. However, it comes at a very high cost. In balancing the budget without an override, the town will draw down, in rough numbers, \$2.2 million in free cash¹, \$240,000 from the Regional School's Excess and Deficiency (E&D)² account, but no money from the overlay surplus³. In addition, the town was fortunate to receive \$241,000 in either reduced assessment or Pothole funds related to the Minuteman Regional High School assessment. These funds are truly one-time events – unlike the recurring one-time events you read about in the corporate financial reports.

For FY05, the Finance Committee supports the maximal use of free cash, use of funds from the Regional School's Excess and Deficiency (E&D) account, but no use of overlay surplus. Using these reserves combined with reductions in municipal staff and school staff, no override will be needed in FY05. However, it must be noted that little if any maintenance of a capital nature is included in these budgets. Should a major capital maintenance problem occur during the year, our ability to deal with it will be severely constrained as a result of using our reserves to fund operations. (As this message is going to press, the heating system at the Douglas school will need major repairs. Estimates are in the hundreds of thousands dollars.)

The Town will not have the aforementioned funds available in FY06. Assuming no change in state aid and no further reduction in town or school staff, the projected increases in personnel expenses, pension costs and health insurance premiums are well above 2½%. Even with reductions in personnel and programs, an override will be required since our reserves will have been depleted to a bare level. A note on the pension costs: to a large degree, the increased pension costs are due to mismanagement of the investments. This has been reported in the Boston Globe. One selectman, Trey Shupert, was so vociferous in testimony before the state legislators that he was termed a "pit bull." We need more pit bulls.

Depending on how you forecast reserves for FY06, the Town is left with about \$1.2 million or roughly 2% of FY05 budget in reserves. This is an extremely low level and it is for this reason that the Finance Committee did not recommend the use of \$200,000 from the overlay surplus.

A few words regarding the Pothole funds: the Finance Committee, in August 2003, identified an unjust assessment from Minuteman Regional High School based on faulty Department of Education data. With the support of the Board of Selectmen and School Committees, we successfully argued the case before our legislators, applied for and received a \$200,000 award from the state's Foundation Reserve (Pothole) Fund. Special thanks to our state Representatives Jamie Eldridge, Cory Atkins, and Senator Pam Resor for advocating Acton's case. Thanks also to Finance Committee members David Stone and Jonathan Chinitz for digging out the facts. Minuteman Regional High School also received a Foundation Reserve Fund award and distributed \$36,735 to Acton. During this process, another error was discovered in the Minuteman Assessment. Based on this correction, Acton's assessment will be reduced by another \$4,300 this year. This brings the total additional savings and revenue to over \$241,000. You can view a copy of our presentation to our legislators at:

<http://doc.acton-ma.gov/docushare/dsweb/Get/Document-2126/Minuteman.pdf>

All may not be doom and gloom. The economy is showing shows of recovery. Tax receipts for the state are improving. The Governor has committed to fully-fund the School Building Assistance Program. (However, the check isn't in the mail and hasn't even been written.) The Town is blessed with many

households with high wealth and income. The citizens value education and municipal services and voted to support overrides and capital exclusions. In February, Standard and Poor's reviewed the Town's credit rating and re-affirmed its AA+ rating.

As we move into FY05 and plan for FY06, Acton citizens will face many difficult choices. By FY06, the town will have drawn down its reserves to a barely acceptable level. Absent a strong economic recovery, increased state aid or increased tax receipts, the citizens will have to make difficult choices in schools, municipal services and taxes, i.e. an override.

Gim P. Hom, Chair
Finance Committee

¹ Free Cash

Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation.

² Excess and Deficiency

Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts.

³ Overlay Surplus

Any balance in the overlay (An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year) account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue and becomes a part of free cash.



**TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts, ss.

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

Precinct 1 – Nagog Woods Club House – 100 Nonset Path

Precinct 2 – Conant School – 80 Taylor Road

Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 6 – Conant School – 80 Taylor Road

On Tuesday, March 30, 2004 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirtieth day of March 2004,

To bring their votes on one ballot for the following officers:

Moderator for one year, two Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for two years.

In addition, the Acton Water District will elect a Commissioner for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 5, 2004, at 7:00 P.M.**, then and there to act on the following articles:

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article is then removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

Consent Calendar Articles and Motions

Article 3 * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$74,411 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$49,411 be transferred from the Council on Aging Enterprise Fund, \$15,000 be transferred from the Audubon Hill Gift Account and \$10,000 be raised and appropriated.

Article 4 * Nursing Enterprise Budget

Move that the Town appropriate \$635,491 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$635,491 be transferred from the Nursing Enterprise Fund.

Article 5 * Septage Disposal Enterprise Budget

Move that the Town appropriate \$209,399 for the purpose of septage disposal, and to raise such amount, \$209,399 be transferred from the Septage Disposal Enterprise Fund.

Article 6 * Sewer Enterprise Budget

Move that the Town appropriate \$1,534,115 for the purpose of operating the sewer system, and to raise such amount, \$1,534,115 be transferred from the Sewer Enterprise Fund.

Article 9 * Section 53E½ Self-Funding Programs

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

Article 10 * Chapter 90 Highway Reimbursement Program

Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

Article 11 * Insurance Proceeds

Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

Article 12 * Federal and State Reimbursement Aid

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article 13 * Sale of Foreclosed Properties

Move in the words of the Article.

Article 14 * Transfer of Funds, Cemetery Land Fund

Move that the Town appropriate \$100,000 from the Cemetery Land Fund, to be expended by the Town Manager, for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the Cemeteries.

Article 15 * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article 17 * Town Board Support – Special Projects

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

Article 41 * Amend Zoning Bylaw – Housekeeping

Move to adopt the bylaw amendments as set forth in the Article.

Article 44 * Street Acceptance – Bellows Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 45 * Street Acceptance – Maple Creek Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 46 * Street Acceptance – North Acton Woods Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 47 * Land Gift – 190 Arlington Street

Move to accept the land as set forth in the Article.

Article 48 * Land Gift – North Acton Woods Subdivision

Move to accept the land as set forth in the Article.

Article 49 * Squirrel Hill Road Drainage Easement

Move to accept the easement as set forth in the Article.

Article 50 * Sidewalk Easement – Arlington Street

Move to accept the easement as set forth in the Article.

Article 51 * Amend Town Charter

Move to adopt the Charter amendments as set forth in the Article.

Donald MacKenzie
Town Moderator

Articles

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator	\$20.00 per Town Meeting session
Board of Selectmen, Chairman	\$750.00 per year
Board of Selectmen, Member	\$650.00 per year

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 2 HEAR AND ACCEPT REPORTS

(Majority vote)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$74,411, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to fund van service for use by senior citizens and disabled citizens of the Community. This article requests that \$59,411, inclusive of fares from the users of the van's service and \$15,000 from the Audubon Hill Gift Account, be used for maintaining the service. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town's share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$8,634	\$72,200	\$72,200	\$8,634	\$65,777	\$74,411	\$0

Direct inquiries to: Jean Fleming, Director, Council on Aging
seniorcenter@acton-ma.gov / (978) 264-9643

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 4 * NURSING ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,490, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$362,042	\$583,704	\$583,704	\$362,042	\$635,500	\$635,491	\$362,052

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 5 * SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$209,399, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town's septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$78,495	\$222,414	\$222,414	\$78,495	\$209,399	\$209,399	\$78,495

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 6 * SEWER ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,534,115 or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$585,516	\$1,404,437	\$1,454,750	\$535,203	\$1,534,115	\$1,534,115	\$535,203

Direct inquiries to: John Murray, Assistant Town Manager
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 7 BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds, the sum of \$25,000, which is being held as insurance reimbursement for mold mitigation at the Gates School during fiscal year 2004, and to appropriate \$52,602 from available funds to defray necessary expenses above the amount appropriated during last year's Annual Town Meeting of Minuteman Regional Vocational Technical School District for Fiscal Year 2004 (July 1, 2003 - June 30, 2004), or take any other action relative thereto.

SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover needed expenses in the current fiscal year. Due to abnormalities within the State Aid calculation, the Minuteman Regional School District was required to assess Acton an additional amount. This appropriation will balance the Town's accounting records for FY04.

Direct inquiries to: Sharon Summers, School Finance Director
 ssummers@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 8 NESWC ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$4,615,844, or any other sum, for the purpose of solid waste disposal in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding for the Town's solid waste disposal and recycling operation. This year's request covers day-to-day operations and funds the replacement of needed pieces of equipment and an amount to fund the study of future solid waste disposal options. The Citizens of Acton fund approximately \$375,000 (from fees) of the cost of operations. \$4,240,844 (92%) of the requested appropriation is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$3,280,835	\$3,691,000	\$4,091,013	\$2,880,822	\$2,625,000	\$4,615,844	\$899,978

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

ARTICLE 9 * SECTION 53E½ SELF-FUNDING PROGRAMS
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY05 Estimated Revenue	FY05 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$150,000	\$150,000
Merriam Mornings/Afternoons/Summer	\$40,000	\$40,000
Gates Amazing Programs	\$40,000	\$40,000
Historic District Commission	\$600	\$600
Building Department	\$166,100	\$166,069
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$11,000	\$10,701
Health Department		
Food Service Inspections	\$20,100	\$20,089
Hazardous Materials Inspections	\$84,100	\$84,088
Fire Department		
Fire Alarm Network	\$48,600	\$48,525
Ambulance Fees u	\$250,000	\$402,000

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

u An example of removing cost from the tax base is to purchase emergency apparatus for Fire Department use from the Ambulance Fees Revolving Fund. This Fund was established last year to isolate medical response revenues and utilize them for the replacement of emergency medical response vehicles. In this specific example, receipts from FY03, FY04 and FY05 would be combined to fund the purchase of one new fire truck that is used as one of the first-response vehicles to medical emergencies.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

	FY 2003 Actual Revenue	FY 2003 Actual Expense	Fund Balance 6/30/2003	FY 2004 Budgeted Revenue	FY 2004 Budgeted Expense	FY 2004 Est. Fund Balance	Actual Revenue 2/4/2004	Actual Expense 2/4/2004
School Department¹								
Douglas at Dawn/Dusk	\$117,520	\$100,454	\$67,689	\$100,000	\$100,000	\$67,689	\$63,064	\$61,049
Merriam Mornings/Afternoons/Summer	\$3,810	\$3,810	\$0	\$30,000	\$30,000	\$0	\$38,753	\$24,424
Gates Amazing Mornings/Afternoons	\$3,447	\$1,867	\$10,040	\$30,000	\$30,000	\$10,040	\$900	\$650
Historic District Commission²	\$20	\$12	\$571	\$600	\$600	\$571	\$0	\$0
Building Department²	\$89,714	\$117,886	\$71,147	\$161,763	\$161,763	\$71,147	\$45,747	\$40,062
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
Sealer of Weights and Measures²	\$7,587	\$7,993	\$7,581	\$10,315	\$10,315	\$7,581	\$2,320	\$7,382
Health Department²								
Food Service Inspections	\$21,415	\$19,221	\$23,661	\$24,754	\$24,754	\$23,661	\$16,080	\$11,712
Hazardous Materials Inspection	\$27,920	\$23,706	\$17,401	\$90,799	\$90,799	\$17,401	\$6,705	\$14,873
Fire Department²								
Fire Alarm Network	\$42,340	\$37,540	\$72,423	\$46,099	\$46,099	\$72,423	\$505	\$12,599
Ambulance Fees	\$44,427	\$0	\$44,427	\$0	\$0	\$44,427	\$89,245	\$0

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to: ¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

ARTICLE 10 * CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM
(Majority vote)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Massachusetts General Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

SUMMARY

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 11 * INSURANCE PROCEEDS
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursement of costs incurred as a result of any covered loss during the remainder of fiscal year 2004 and all of 2005, or take any other action relative thereto.

SUMMARY

According to Massachusetts General Law, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 12 * FEDERAL AND STATE REIMBURSEMENT AID
(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence during fiscal year 2005, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 13 * SALE OF FORECLOSED PROPERTIES
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 14 * TRANSFER OF FUNDS – CEMETERY LAND FUND

(Majority vote)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$100,000, or any other sum, to be expended by the Town Manager for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the cemeteries, or take any other action relative thereto.

SUMMARY

This article will provide funds to develop a new section of approximately 1,500 grave spaces at Mount Hope Cemetery. It will also allow for some general improvements in the cemeteries such as replacing damaged trees and shrubs and repairing roadways.

Direct inquiries to: Tom Tidman, Director of Natural Resources
nr@acton-ma.gov / (978)-264-9631

Selectman assigned: Peter Ashton: bos@acton.ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 15 * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor
assessor@acton-ma.gov / (978) 264-9622

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 16 TOWN OPERATING BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2005 (July 1, 2004-June 30, 2005) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 30, 2004. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 17 * TOWN BOARD SUPPORT – SPECIAL PROJECTS

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 18
(Majority vote)

COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2003 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 200,000
Spending Appropriations	
B. Davis Monument Restoration	\$ 50,000
C. Cultural Resource List Revision and Expansion	\$ 20,000
D. Historic District Boundary Signs	\$ 8,285
E. Flag Preservation	\$ 5,600
F. Assabet River Rail Trail	\$ 170,000
G. T. J. O’Grady Memorial Skate Park	\$ 67,000
H. Morrison Farm Master Plan	\$ 59,800
I. Family Housing Initiative	\$ 200,000
J. 214 Central and 28 Willow Streets Feasibility Study	\$ 25,000
K. Community Housing Fund	\$ 25,000
Administrative Spending Appropriation	
L. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 42,798

And, whereas Massachusetts General Law, Section 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended set-aside appropriation for open space amounts to 21.2% of the Fund Balance, the recommended project appropriations B, C, D, E and \$10,561 of F for historic preservation amount to 10% of the Fund Balance, and the recommended project appropriations I, J, and K for community housing amount to 26.5% of the Fund Balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2003 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$94,446.00) for open space, not less than 10% (\$94,446.00) for historic preservation, and not less than 10% (\$94,446.00) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B. This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; acquire, preserve, rehabilitate, and restore historic resources; create, preserve and support community housing; acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund. In addition, the Community Preservation Committee will oversee and monitor progress of funded community preservation projects.

The Committee first convened in February 2003. In October, it published its 2004 Community Preservation Plan with guidelines for the submission of projects seeking community preservation funds. By November 14, 2003, it had received fourteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed the respective proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B.

For its first year, FY 2003, the surcharge raised \$470,991.16 and the Town received \$473,464.55 in State funds to bring the Town's total FY 2003 Community Preservation Fund balance to \$944,455.71. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. It may recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

This article represents the Community Preservation Committee's spending recommendations from the Community Preservation Fund balance. Except for recommended set-asides for future spending, all recommended amounts should be considered as "up-to" spending limits for the respective projects. The Community Preservation Committee's intent is to monitor all projects and to maximize savings wherever possible. Savings will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee are recommended for funding, and some of the recommended projects are not recommended at the funding level that their proponents had requested.

A. Open Space Set-Aside

This item appropriates a set-aside fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

B. Davis Monument Restoration

The 75-foot high Davis Monument commemorates the sacrifices of the Acton Minutemen in the Revolutionary War battle at the North Bridge in Concord in April 1775. It is the single most significant architectural feature in the Town. It is the focal point of the Town Common, and it is on the Town Seal. Built in 1854, the monument has not received significant maintenance in thirty years. The requested appropriation will enable the Town to contract masonry repairs as outlined in a report by Turk Tracey & Larry Architects, LLC in 2002 to prevent damage from ice and water intrusion.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

C. Cultural Resource List Revision and Expansion

The Cultural Resource List is compiled by the Historical Commission and contains properties that are historically and culturally significant to the Town. As the town board responsible for community-wide preservation planning, the Historical Commission is charged under MGL Ch. 40, Section 8d with planning for the identification, evaluation, and protection of the community's historic and cultural resources. As the first step in this effort, the Historical Commission is expected to survey the community and compile, maintain, and periodically update an inventory of the town's historic and cultural assets, utilizing official inventory documentation forms.

Acton's historic/cultural survey was last revised in the early 1990s. At that time it included properties of significant historical value up to the late 1920s, but many properties from the late 19th- through the second quarter of the 20th centuries, structures such as bridges and dams, important outbuildings and historic landscapes still remain to be documented. The guidelines for historic properties surveys that are issued by the Massachusetts Historical Commission call for the local Historical Commission to make sure that all property types are surveyed, including clusters of related historic resources such as East Acton Village.

The requested appropriation would allow the Town to hire a historic preservation specialist to prepare official historic survey and inventory forms for approximately 100 properties, including many already on the Cultural Resource List, but presently without or with inadequate documentation forms.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

D. Historic District Boundary Signs

Acton has three Historic Districts: the South Acton, West Acton, and Acton Center Historic Districts. The requested appropriation will fund the Acton Historic District Commissions efforts to purchase up to 25 historic marker signs and to install up to 22 signs at Historic District boundary locations along primary

and secondary roads and highways. Three signs, one for each district, would be held in reserve for replacements as needed.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

E. Flag Preservation

In 1889, William Allan Wilde gifted the Acton Memorial Library to the Town of Acton in honor of Acton's Civil War dead and veterans. The library stores about 150 Civil War era and related artifacts, including an American flag of the Isaac Davis Post of the Grand Army of the Republic veterans' organization. The flag dates from the early 20th century and was given to the Memorial Library in 1947. Generally in good condition for its age, it has damage from use and time in storage such as stains and stress tears on the fabric. The requested appropriation will contribute to the Memorial Library Trustees' endeavor to professionally restore the flag and to display it in a protective casing on a wall in the library. The project is estimated to cost between \$7,800 and \$8,300. The Memorial Library Trustees will fund from gifts the difference between the recommended appropriation and the estimated total cost.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

F. Assabet River Rail Trail

The 12.5-mile Assabet River Rail Trail (ARRT) runs from Acton via Maynard, Stow, and Hudson, to Marlborough. The five communities have jointly advanced the trail since 1995. To date, the ARRT has received roughly \$2 million in public and private funding, donations, and commitments. Acton Town Meeting has appropriated a \$30,000 local share for trail acquisition in 1998, which leveraged \$150,000 in Federal funds earmarked for acquisition in Acton. Today, a section of the ARRT in Marlborough is finished. Another through Hudson is under construction. Several other parts have been reassembled from private ownership. Acquisitions in Acton are drawing to a close.

Acton's 1.3-mile/7.9-acre portion of the ARRT begins at the South Acton commuter rail station, crosses the active track on Main Street and follows an old railroad right-of-way from Maple Street, south and parallel to Main Street, to the Maynard line. Near Maynard, a commercial building obstructs the former rail line, but there is an agreement with the landowner on an easement detour.

The requested appropriation is the local match that would position the Town competitively to leverage Federal transportation funds for the design and construction of the ARRT in Acton, estimated to cost a total of \$1.42 million.

Construction of the trail will preserve the old railroad right-of-way as part of South Acton's history and make the corridor accessible to the public for enjoyment of the Mill Pond and nearby farm fields. It is anticipated that construction of the ARRT will restore the timber trestle across Mill Pond and remnants of an old turntable near Maple Street. Heavily subsidized with federal funds for their value as transportation alternatives, rail trails are equally important recreation facilities. The ARRT offers opportunities for recreational biking, walking, rollerblading, and cross-country skiing in winter.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

G. T. J. O’Grady Memorial Skate Park

In 2001, the Town appropriated from general fund revenues \$80,000 for the development of the T. J. O’Grady Skate Park. In 2003, the Town acquired from the State for recreation purposes a 1-acre property at 66 Hayward Road with the intention of locating the skate park on it. The site (plate F-3, parcels 16 and 16-1 on the 2003 Town Atlas) is within walking distance from the Senior and Junior High Schools. The Town and T. J. O’Grady Memorial Skate Park, Inc. have collaborated in designing a park for the selected site. Functionality, safety, and durability were the major considerations in the design of the park and the selection of preferred construction materials. The requested appropriation will supplement the Town’s previous appropriation and funds raised and to be raised by T. J. O’Grady Memorial Skate Park, Inc. from other sources. The total cost of the skate park is estimated to be approximately \$285,000.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

H. Morrison Farm Master Plan

In 1997 the Town purchased the Morrison Farm at 116 Concord Road as general municipal land with the vision that it would provide much needed recreation field space while preserving a substantial tract of open space and retaining the rural character of the farm. The 32-acre property is shown on the 2003 Town Atlas on plate F-4 as parcel 34. It has a house and barn near Concord Road, open fields alongside Ice House Pond, and woods in the rear. The requested appropriation will fund a master plan for the Morrison Farm and the land and resources surrounding it, such as the nearby East Acton Village, the proposed East Acton Village Green, the proposed Bruce Freeman Rail Trail, Ice House Pond, and Nashoba Brook. A master plan is necessary to fully understand the land’s potential within its geographic and community context. The planning process is envisioned as a collaboration of interested citizens developing in open meetings a vision for the land. A professional land development consultant would assist in this effort.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

I. Family Housing Initiative

The Acton Housing Authority manages 39 family rental units in Acton. The waiting list for such units currently registers 1044 families, 60 from Acton. The requested appropriation will be combined with a private \$300,000.00 contribution to the Acton Housing Authority to purchase two existing 2- to 3-bedroom condominium units that will be permanently restricted as affordable housing and managed by the Acton Housing Authority. The Housing Authority has received permission from the Massachusetts Department of Housing and Community Development to add these units to the State-aided public housing inventory under the Chapter 705 housing program for families, under which the State will assume the units’ ongoing maintenance, administrative, and other costs. Any payment of Community Preservation Funds for this purpose will be conditioned on the imposition on the acquired units of an Affordable Housing Restriction in a form satisfactory to the Board of Selectmen.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

J. 214 Central and 28 Willow Streets Feasibility Study

The requested appropriation will enable the Acton Community Housing Corporation (ACHC) to hire a professional consultant to study the feasibility of creating three or more affordable housing units on one property located at 214 Central Street and 28 Willow Street. The site is shown on the 2003 Town Atlas plate F2-B as parcels 64 and 65. The study will examine all aspects of the potential project, including neighborhood feedback, funding sources, design options, unit mix, and financial viability. Should the project be found feasible and proceed, it would create needed affordable housing and improve the neighborhood by replacing run-down garages with new residential infill. The site is ideally located amongst a mix of single- and multi-family homes within walking distance of West Acton Village.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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K. Community Housing Fund

This requested appropriation will create an endowed reserve fund to receive in the future other funds in support of community housing from private donations and gifts, excess profits from Ch. 40B projects, foundations, and federal, state, and local funding programs, including possible future appropriation from the Community Preservation Fund. The Community Housing Fund would be used by the Acton Community Housing Corporation (ACHC), or any other entity that the Board of Selectmen may determine, in support of community housing for purposes allowed under the Community Preservation Act, including but not limited to acquisitions, rehabilitations, and conversions of existing housing stock, new development, refinancing or repurchase of existing affordability restrictions about to expire, purchase of new affordable housing deed restrictions, accessibility modifications of affordable units for persons with disabilities, and assistance to low- and moderate-income buyers with mortgage costs, down payments or closing costs. The Community Housing Fund would be established as a special fund of the Town of Acton under the control of the Board of Selectmen.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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L. Administrative and Operating Expenses

The Community Preservation Act allows up to 5% of the annual community preservation funds to be expended for administrative and operating costs of the Community Preservation Committee and Program. The requested appropriation is 4.5% of the 2003 Community Preservation Fund. It will reimburse the Town for staff support time and software expenses incurred during the initial set-up of the Community Preservation Program, staff support time to run and maintain the Community Preservation Program, and to support the Community Preservation Committee since its inception, and costs for legal advice to the Community Preservation Committee.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Walter Foster: bos@acton-ma.gov

ARTICLE 19 ACTON PUBLIC SCHOOLS BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 20 HEATING SYSTEM REPAIRS – DOUGLAS ELEMENTARY SCHOOL
(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, to pay for costs of repairs to the heating system at the Douglas Elementary School, including the payment of all other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

SUMMARY

This article requests funds for repair to the Douglas School heating system. The system is forty years old, and despite yearly maintenance and on-going repairs, has experienced multiple malfunctions during the last two years' heating seasons.

Direct inquiries to: George Frost, Deputy Superintendent
gfrost@mail.ab.mec.edu / (978) 264-4700 extension 3209

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Deferred

ARTICLE 21 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 22 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Dr. Ronald Fitzgerald, Superintendent
rfitzgerald@minuteman.org / (781) 861-6500
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 23 # AMEND ZONING BYLAW – 80 AND 84 PIPER ROAD
(Two-thirds vote)

To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone to R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

SUMMARY
(By Petitioner)

This article, if adopted, would rezone to the Residential 2 District (R-2) two parcels of land located at 80 and 84 Piper Road. These properties contain the following dwellings: two historical houses, one built in the late 1700s and one built in the 1800s, as well as a barn erected in 1840. The dwellings, which have remained in the same family for at least 3 generations, have always been used for residential and/or agricultural purposes. At present, the houses continue to be used as residences. Changing the zoning to R-2 will acknowledge the established residential land use and will conform the zoning of the properties to the abutters in the Farmstead Way subdivision as well as the neighboring property of 342 Mass. Ave (all zoned in the R-2 district). Furthermore, the owners note that to make any improvements to the properties located at 80 and 84 Piper Road would require them to go before the Board of Appeals because the properties, as currently zoned, constitute non-conforming uses.

Inserted by Citizen Petition

Direct inquiries to: Frank or Linda Melon: (978) 263-3230; Carlos Melon: (978) 263-0419
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Not Recommended	Not Recommended

ARTICLE 24 # AMEND ZONING BYLAW
(Two-thirds vote) VEHICLE WHOLESALE AND STORAGE AS AN ACCESSORY USE

To see if the Town of Acton will vote to amend the zoning bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles provided that:
- 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
 - 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
 - 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
 - 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
 - 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
 - 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
 - 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
 - 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

, or take any other action relative thereto.

SUMMARY
(By Petitioner)

This article affects the Light Industrial zoning district and some adjacent residential land off Main Street in South Acton that is subject to a Board of Appeals Use Variance allowing industrial and business uses on it. In those areas, the article would allow the incidental and temporary storage and the incidental wholesale of automobiles as part of the regional headquarters of a car rental and leasing company on the same property. The proposed limitations and requirements will ensure proper screening of the vehicle storage areas, limit the loading and unloading of vehicles to weekday daytime hours, and distinguish this from a car dealership by prohibiting retail sales.

For 2 ½ years, Enterprise Rent-A-Car's Regional Headquarters has been based at 20 Main Street, Acton located in the Light Industrial zoning district. Recently, Enterprise has decided to consolidate their wholesale division with their main offices whose functions include Human Resources, Facility Management and Accounting. In doing so, Enterprise requires a facility which can accommodate the storage of up to 200 cars. This article proposes to provide this accommodation.

These cars represent those members of the Enterprise fleet which are being returned back to GM Motors, Ford, Chrysler and all other major manufacturers or being sold to car dealerships where they will be re-sold to the public. Enterprise needs to be able to temporarily store them on site while the paperwork for their redistribution is being completed. These cars are only on the premises an average of 2-3 months of the year. Enterprise would have an average of 20-50 cars on the premises during most of the year.

Most of the cars being sent from Enterprise's local rental offices to their Headquarters for processing are driven by individual hired drivers and would not require the use of a truck for delivery to the offices at 20 Main Street.

Even though these cars are out at Enterprises' rental offices and are not located within the town of Acton for the majority of their shelf life, Enterprise has agreed to register at least enough of their retired fleet to bring in \$100,000-\$150,000 in additional excise tax revenue to the Town of Acton each year. This number should increase over the next few years due to an increased average cost per car and the excise tax rate. Any expected increase in the excise tax revenue these cars would bring in would not be due to an increase in the number of cars stored, as the storage needs would remain at 200. There would be an average of 20-30 cars parked out in back of 20 Main Street most of the time and then usually only for several days until the paperwork is completed.

Inserted by Citizen Petition

Direct Inquiries to: John Anderson: (978) 263-2198 x222
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 25 PROVISION FOR HOURS OF OPERATION OF
(Majority Vote) NON-RESIDENTIAL OUTDOOR LIGHTING

[Please note: The Board of Selectmen and the Outdoor Lighting Advisory Committee agree that the Motion for this Article will be to “Take no action.” This Article is included in the Warrant for your information regarding the Committee and its work.]

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E58 as follows:

E58. Hours of Operation of Non-Residential Outdoor Lighting:

A. Purpose:

The purpose of these regulations is to reduce late night glare, light trespass, and sky glow caused by outdoor lighting that is not used for public safety and property security.

B. Applicability:

Except as provided under Exemptions below, the following hours of operation regulations, Section D below, shall apply to all outdoor lights in Acton whose lamp wattage exceeds the values contained in the following Table.

<i>Lamp type</i>	<i>Wattage</i>
Incandescent, Halogen	60 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w
Fluorescent, Low Pressure Sodium	13 w

C. Effective Dates:

Starting on January 1, 2006, the hours of operation regulations shall apply to all existing and new outdoor luminaries. A luminaire is a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

D. Hours of Operation of Outdoor Lights:

1. All outdoor lights may be turned on no earlier than one hour before Business Hours and shall be turned off no later than 11 PM or one half an hour after of the end of business hours, whichever is later. Business Hours shall be defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the lot or in a structure on the lot.
2. Outdoor lights for recreational facilities shall be turned off no later than one half-hour after the end of use or activities.

E. Exemptions:

1. Streetlights and other lights within a street or public right of way.
2. Lights on single-family and two-family residential lots and properties.
3. Safety lights, which shall be defined as lights to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lights for the purpose of aiding the visible detection and recognition of other persons, including lights for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
4. Security lights, which shall be defined as lights to protect buildings, and property stored outdoors.

5. Lights in existence or installed before January 1, 2005 that do not meet the definition of safety or security lights and are connected by a single outside circuit to safety or security lights. No new such common outside circuits shall be allowed thereafter.
6. Lights controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a street or public right of way shall not cause its activation.
7. Lights that illuminate the United States Flag and public monuments.
8. Warning and alarm lights that alert to a malfunction or emergency situation.

F. Enforcement

The Town of Acton Building Commissioner shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of twenty-five dollars (\$25.00). Each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

If adopted, this article will establish regulations for the hours of operations for new and existing outdoor lighting. Outdoor lighting would be limited to business hours as defined in the article. Lights with low wattage and lumen output are not subject to the regulations. Also exempt are streetlights, light on single- and two-family residential properties, and lights necessary for security and safety, among others. The regulations would become effective on January 1, 2006. This article was developed by the Outdoor Lighting Advisory Committee (OLAC).

Direct Inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Not Recommended	Not Recommended

ARTICLE 26 AMEND ZONING BYLAW – OUTDOOR LIGHTING REGULATIONS
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

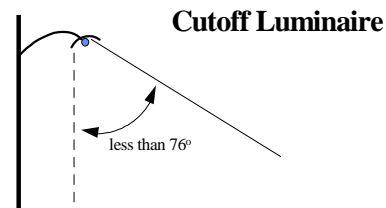
- A. In section 10.4 – Site Plan Special Permit, delete section 10.4.3.2 – Outdoor Lighting and replace it with the following:

10.4.3.2 Outdoor Lighting – Developments and redevelopments requiring a Site Plan Special Permit or an amendment thereof, shall comply with the standards for outdoor lighting set forth in section 10.6.

[Note: Section 10.4.3.2 contains the graphic shown here and currently reads:

10.4.3.2 Outdoor Lighting – In the area of new construction all outdoor lighting, with the exception of pedestrian lighting with a height of less than eight feet, shall be designed and located so that:

- 1) the luminaire has an angle of cutoff less than 76 degrees;*
- 2) a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site, and*
- 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or STREETS. Pedestrian lighting with a height of less than eight feet shall be regulated through the Building Commissioner's Office.]*



- B. Insert a new section 10.6 as set forth below:

10.6 Outdoor Lighting Regulations for Site Plan Special Permits. This section uses defined terms that apply specifically in this section. These terms are defined in section 10.6.6 below and are capitalized in addition to the terms defined in section 1.3 of this bylaw. Figures and Tables referred to in this section are located in section 10.6.7 below.

10.6.1 Applicability –

10.6.1.1 The following regulations shall apply to all LUMINAIRES, including existing LUMINAIRES, whose LAMP wattage exceeds the values contained in Table 1, Column A, on any LOT undergoing new development, or a major modification or expansion under a Site Plan Special Permit. A major modification, as used here, shall mean that more than 25% of the LUMINAIRES on the LOT are modified, moved or replaced. A major expansion, as used here, shall mean that the number of LUMINAIRES on a LOT increases by more than 25% of the original number.

10.6.1.2 LUMINAIRES installed before the effective date of this bylaw shall be maintained or, if necessary, modified, to meet the zoning bylaw applicable at the time of their installation.

10.6.2 Standards

10.6.2.1 LUMINAIRE design and shielding – Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column A, shall be SHIELDED. Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column B shall be FULLY SHIELDED (Figure 1).

10.6.2.2 Control of LIGHT TRESPASS and GLARE –

- a) Any LUMINAIRE whose distance from a LOT line is less than three times its height ($3 \times H$) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than $3 \times H$ away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.
- b) Additional shields that are installed to control LIGHT TRESPASS and GLARE as required herein shall be designed so that the parts of the shields that are exposed to the DIRECT LIGHT of the LUMINAIRE and visible from STREETS, or abutting LOTS that are in Residential or Conservation USE, shall have a flat-black, low-reflectivity finish.
- c) LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS is less than 0.8 fc, and onto an abutting LOTS that are in Residential or Conservation USE, including such LOTS abutting on the opposite side of a STREET, is less than 0.3fc. This measurement shall be made with a photometer placed horizontally on the ground at points at the LOT lines. The Lighting Plan (Section 5) shall include calculations demonstrating that this LIGHT TRESPASS criterion will be met.
- d) LUMINAIRES installed on one LOT to illuminate another LOT, or installed in a STREET, railroad, utility, or other right-of-way to illuminate an adjacent LOT, are prohibited. As used in this subsection, LOT shall always mean LOT as defined in section 1.3 of this Bylaw.
- e) No single LUMINAIRE shall employ LAMP(s) exceeding a total of 400 watts, not including power for ballast or transformer.
- f) Strobe and flashing lights, and laser illumination, are prohibited except as allowed under Section 10.6.5 (Exemptions).

10.6.2.3 Hours of operation –

- a) All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and safety or security lighting as defined herein, may be turned on no earlier than one hour before business hours and shall be turned off no later than 11 PM or one half an hour after close of business, whichever is later.
 - i. Business hours, as used here, is defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the LOT or in a STRUCTURE on the LOT.
 - ii. Safety lighting, as used here, is defined as lighting to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lighting for the purpose of aiding the visible detection and recognition of other persons. Safety lighting includes lighting for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
 - iii. Security lighting, as used here, is defined as lighting to protect BUILDINGS, and property stored outdoors.
- b) Lighting controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation is exempt from the hours-of-operation restriction. The motion detector shall be adjusted so that normal movement of

vehicles and traffic along a STREET or public right of way shall not cause its activation.

- c) Lighting of recreational facilities must be turned off no later than one half-hour after the end of use.
- d) Lighting of the United States Flag and public monuments is exempt from these hours of operation provisions.

10.6.2.4 Special Provisions –

- a) Externally Illuminated Signs – Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 10.6.2.2 (Control of LIGHT TRESPASS and GLARE). It shall be focused directly at the sign display area and SHIELDED so that the LAMP is not visible from STREETS, or abutting LOTS that are in Residential or Conservation USE (Figure 3).
- b) UP-LIGHTING – UP-LIGHTING is prohibited, except for illumination of the United States Flag, a BUILDING facade or a public monument. For any UP-LIGHTING, the LUMINAIRE shall be equipped with shields as necessary and shall comply with Section 10.6.2.2 including subsections b) through f). It shall be focused directly at the area of the target and SHIELDED so that the LAMP is not visible from a STREET, or a LOT that is in Residential or Conservation USE. Building facade illumination shall not exceed 0.25 watts of LAMP power per square foot of facade surface. The Lighting Plan shall specifically demonstrate compliance for any facade or monument UP-LIGHTING
- c) Illuminated Outdoor Recreation Facilities – Notwithstanding the requirement of Section 10.6.2.1 (LUMINAIRE design and shielding), the illumination of outdoor recreational facilities such as, but not limited to playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks, shall be by either SHIELDED or FULLY SHIELDED LUMINAIRES. Such lighting shall be exempt from Sections 10.6.2.2.a) (seventy degree cut-off), 10.6.2.2.c) (LIGHT TRESPASS), and 10.6.2.2.e) (LAMPS not to exceed 400 watts per LUMINAIRE). The following requirements shall apply to illuminated outdoor recreation facilities:
 - i. Such SHIELDED LUMINAIRES shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4). Light poles for recreation facilities may be as high as necessary to adequately illuminate the facility in compliance with the maximum 60-degree elevation angle, but shall not exceed a height of 85 feet. See section 5.3.5.3 of this Bylaw for a special permit to increase pole height.
 - ii. The LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS, or abutting LOTS in Residential or Conservation USE, is less than 0.8fc. This measurement shall be made with a photometer positioned at the boundary and aimed directly at the LUMINAIRE. The Lighting Plan shall include calculations demonstrating that the LIGHT TRESPASS requirement will be satisfied.
 - iii. The LAMP shall not be visible from a STREET, or an abutting LOT that is in Residential or Conservation USE. Alternatively, the installer may retain a qualified independent lighting consultant to measure the maximum luminance visible from STREETS, or abutting LOTS that are in Residential or Conservation USE. The measurement report shall be delivered to the Building

Commissioner and shall demonstrate that the maximum luminance apparent from a STREET, or an abutting LOT that is in Residential or Conservation USE, is not more than 2500 cd/sq.m.

- d) LUMINAIRES in a Local Historic Districts – In Local Historic Districts, LUMINAIRES may be exempted from Section 10.6.2.1 (LUMINAIRE design and shielding) if the Historic District Commission specifically requires LUMINAIRES of a type that is not available in a version that meets the FULLY SHIELDED criterion. In such cases, such LUMINAIRES shall comply with IESNA CUTOFF light distribution standards.

Illumination for externally illuminated signs in a Local Historic District may be from below using UP-LIGHTING from SHIELDED LUMINAIRES. In this case, the LAMP shall not be visible from a STREET, or from an abutting LOT that is in Residential or Conservation USE, and shields shall comply with Section 10.6.2.2 b) (Visible part of shield has flat-black finish).

10.6.3 Total Site Power Limits

- 10.6.3.1 This section regulates the total amount of lighting that may be used on a LOT. For simplicity, this is accomplished through regulation of the total amount of outdoor LAMP watts installed on the LOT, instead of the total lumen output. An OUTDOOR LIGHTING installation complies with this section if the actual Total Installed Watt Ratings of all LAMPS is no greater than the Allowed Lighting Power. Ballast and transformer power is not counted in this total.

- 10.6.3.2 The Allowed Lighting Power shall be the sum of contributions calculated according to the Activity Areas listed in sections 10.6.3.2 a) through f) below. Only those spaces on a LOT, which are covered with impervious materials, shall be counted towards Activity Areas. Activity Areas on a LOT shall be clearly marked and labeled on the Site Plan. There shall be no overlapping Activity Areas. For a space to be included in the total of an Activity Area, a LUMINAIRE must be within 100 feet of any such space.

- a) Parking lots, driveways, walkways, bikeways – 0.1 watts per square foot of the area of parking lots, driveways, walkways, bikeways, and any other outdoor impervious surfaces on the LOT. These Activity Areas include a 5-foot wide margin of grade or landscaping around the impervious surfaces.
- b) BUILDING entrance areas – 13 watts per linear foot of the width of all doors, plus six feet per door.
- c) BUILDING CANOPIES – 0.4 watts per square foot of the ceiling area of walkway CANOPIES. For portions of BUILDING walkway CANOPIES extending over an entrance area, the Allowed Lighting Power may be regulated by section 10.6.3.2.b) above.
- d) Retail sales CANOPIES: 0.9 watt per square foot of the ceiling area of service station and retail sales CANOPIES. Retail sales CANOPIES are covered spaces that are used for display or dispensing of products for sale.
- e) Retail sales frontage – 20 watts per linear foot of sales frontage. Sales frontage is measured along the edge, as viewed from a STREET, of a paved or otherwise improved area used exclusively for the display of vehicles or other large objects for sale. For this purpose, sales frontage shall be assumed to be 20 feet deep.
- f) OUTDOOR SALES AREA – 0.8 watts per square foot times the area of the OUTDOOR SALES AREA. This area shall be specifically for the display and

storage of vehicles, structures, or other large objects offered for sale, and shall not include driveways, walkways, service areas, storage, or other uses.

- 10.6.3.3 Unlit areas of the LOT may not be used to calculate Allowed Lighting Power. An illuminated area of the LOT is defined as within 100 feet of a LUMINAIRE on the LOT, or, if under a CANOPY, within 25 feet of a LUMINAIRE mounted under the CANOPY.

10.6.4 Lighting Plan

- 10.6.4.1 A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The lighting plan shall contain:

- a) On the site plan – the location, height, shielding type of all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.
- c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.
- d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.
- e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- f) Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

- 10.6.4.2 Submission and subsequent approval of a plan does not relieve the applicant of responsibility to demonstrate conformity to all sections of this bylaw, both in the individual LUMINAIRES as built, and for the entire LOT as built. The designer shall submit an as-built plan that correctly reflects the as-built installation, and shall certify that the as-built installation conforms to the requirements of this bylaw.

10.6.5 Exemptions – The following lights shall be exempt from the standards of this bylaw:

10.6.5.1 Internally illuminated signs.

10.6.5.2 Temporary holiday lighting.

10.6.5.3 Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting shall, to largest extent possible, take into consideration the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.4 Temporary lighting used on construction sites. All such lighting shall be placed and directed to minimize the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.5 Lighting during special events such as fairs, celebrations, or concerts sponsored by the Town of Acton or authorized by the Acton Board of Selectmen. Lighting for festivals and carnivals is exempt but should be in keeping with the intent of this ordinance.

10.6.5.6 Warning and alarm lights that alert to a malfunction or emergency situation.

10.6.6 Definitions

- CANOPY - an opaque ceiling over installed lighting.
- CUTOFF (CO) – A LUMINAIRE light distribution, specified by the IESNA, where the intensity in candela per 1000 LAMP lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir, and 100 (10 %) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FULL CUTOFF (FCO) LUMINAIRE is also a CUTOFF LUMINAIRE.
- DIRECT LIGHT - Light emitted directly from the LAMP, from the reflector or reflector diffuser, or through the refractor or diffuser lens of a LUMINAIRE.
- FOOT CANDLE (fc) - Unit of ILLUMINANCE; One lumen per square foot.
- FULL CUTOFF (FCO) - A LUMINAIRE light distribution, specified by the IESNA, where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 LAMP lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FCO LUMINAIRE is FULLY SHIELDED.
- FULLY SHIELDED: constructed in such a manner that no light emitted by the fixture, either directly from the LAMP or a diffusing element, or indirectly by reflection or refraction from any part of the LUMINAIRE, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the LUMINAIRE. (Figure 1). BUILDING CANOPIES, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the FULLY SHIELDED light cut-off characteristic. This shall be achieved by the LUMINAIRE itself. (Figure 5)
- GLARE -The sensation of visual discomfort or loss in visual performance and visibility produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted.
- INDIRECT LIGHT - DIRECT LIGHT that has been reflected off the surface of any permanently constructed object other than the source LUMINAIRE.
- IESNA or IES - Illuminating Engineering Society of North America. A professional association of lighting engineers and lighting manufacturers generally recognized as the definitive source for illumination recommendations in the United States. An IES photometric file is defined by IESNA standards.

- **ILLUMINANCE** – The luminous flux incident per unit area, expressed in FOOT CANDLE (one LUMEN per square foot). Horizontal or vertical ILLUMINANCE is that measured with a photometer cell mounted horizontally or vertically.
- **LAMP** – The light source component of a LUMINAIRE that produces the actual light.
- **LIGHT TRESPASS** – DIRECT or INDIRECT LIGHT produced by an artificial light source and which shines outside the boundaries of the LOT containing the LUMINAIRE.
- **LUMINAIRE** – A complete OUTDOOR LIGHTING unit or fixture including a LAMP or LAMPS, together with the parts designed to distribute the light, to position and protect the LAMPS, and to connect the LAMPS to the power supply, but not including a pole on which the LUMINAIRE may be mounted.
- **OUTDOOR LIGHTING** – The night-time illumination of an outside area or object by a LUMINAIRE located outdoors. LUMINAIRES under a CANOPY are considered outdoor lights and are regulated by this bylaw.
- **OUTDOOR SALES AREA** – A static display of goods for sale at night, such as automobile sales lots, landscaping and nursery businesses, outdoor construction materials sales lots, and outdoor activity areas such a miniature golf, family fun centers, and permanent swap meets. An OUTDOOR SALES AREA location is not covered by CANOPIES or other STRUCTURES.
- **SHIELDED** – A LUMINAIRE employing a shield to prevent GLARE The LUMINAIRE shall have a generally downward distribution of light and must have a top shield to minimize upward light.
- **STREETLIGHTS** – LUMINAIRES installed within a STREET and intended primarily for the illumination of the STREET.
- **UP-LIGHTING** – DIRECT LIGHT illumination distributed above a 90 degree horizontal plane through the lowest DIRECT LIGHT emitting part of the LUMINAIRE.

10.6.7 Figures and Tables

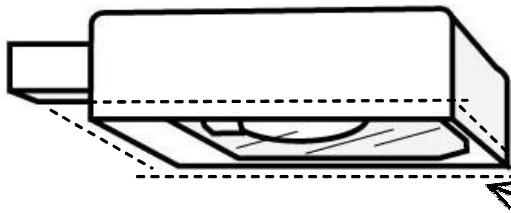


Figure 1A. FULLY SHIELDED. No light emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

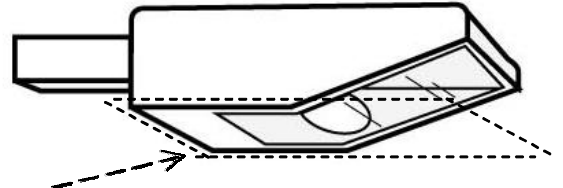
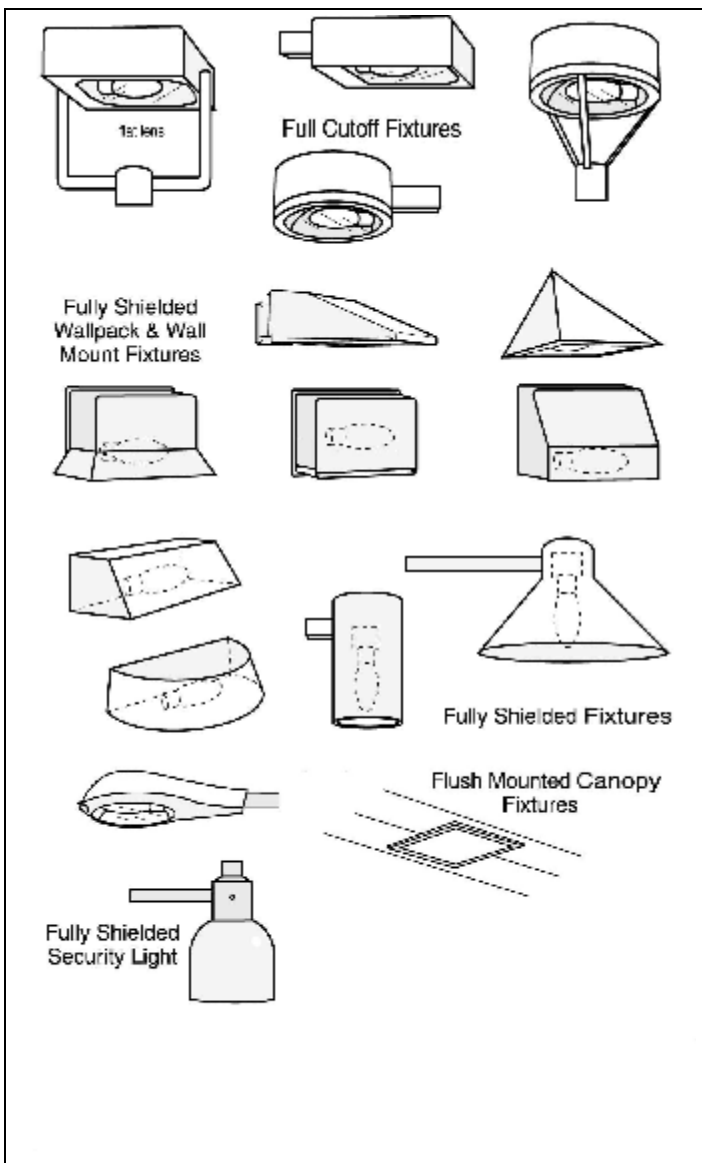
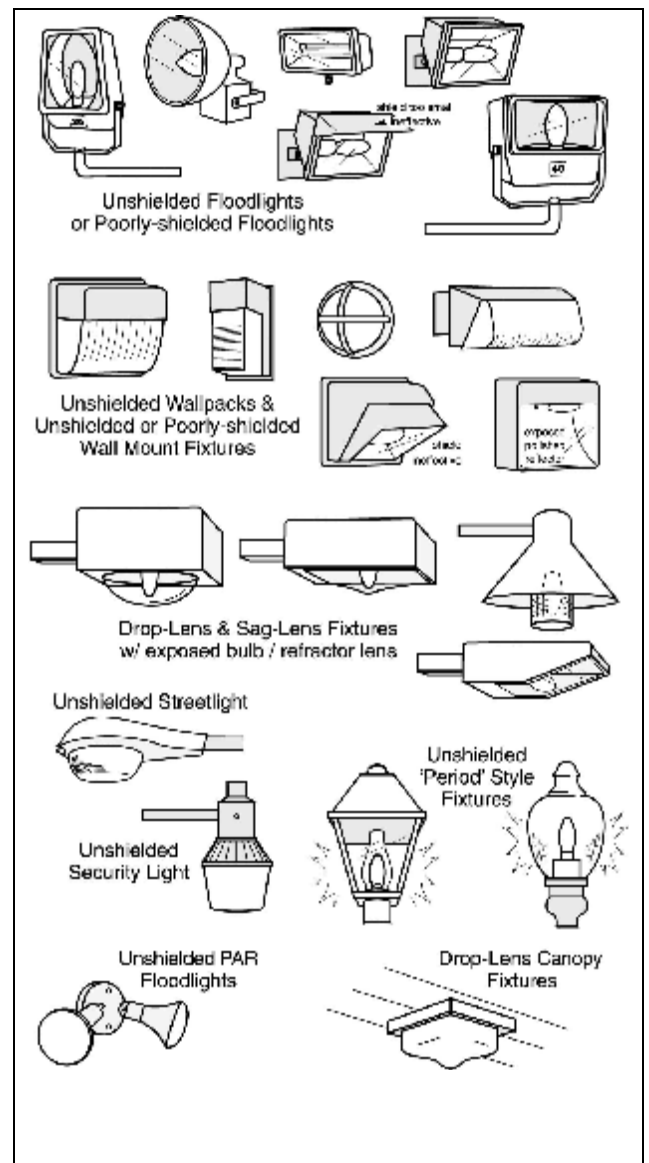


Figure 1B. Not FULLY SHIELDED. Light is emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

Examples of FULLY SHIELDED LUMINAIRES



Examples of LUMINAIRES that are NOT FULLY SHIELDED



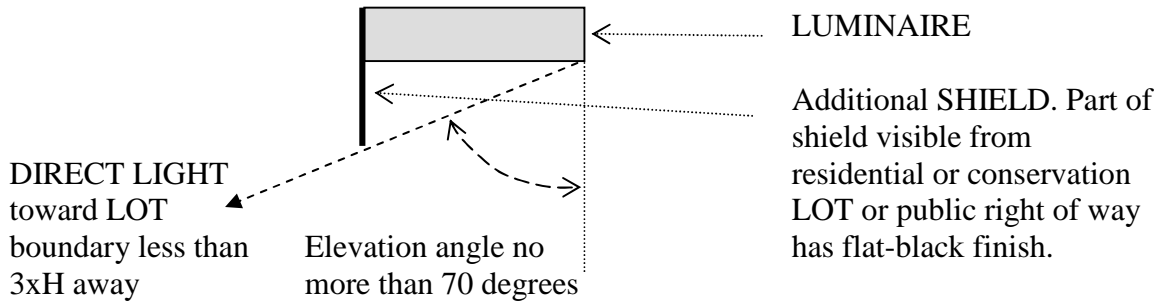


Figure 2. Any outdoor LUMINAIRE whose distance from the LOT boundary is less than three times its height shall be shielded so that all DIRECT LIGHT cast in the direction of residential or conservation lots and public rights-of-way is cut-off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE.

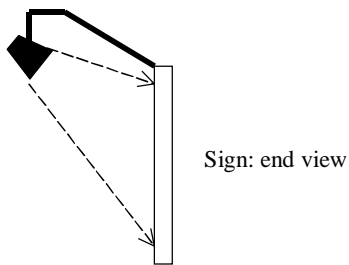


Figure 3. Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 3.2 (Control of LIGHT TRESPASS and GLARE).

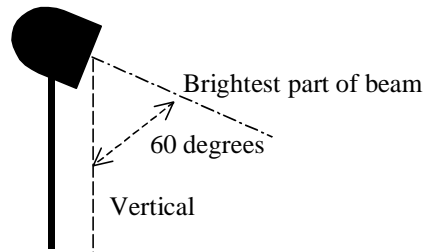


Figure 4. Illumination for outdoor recreational facilities shall be SHIELDED LUMINAIRES and shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4)

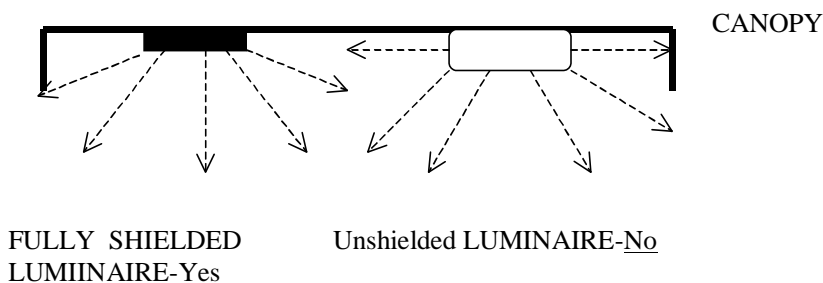


Figure 5. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff. The cutoff characteristics shall be achieved by the LUMINAIRE itself.

Table 1. LUMINAIRES whose LAMP wattage exceeds the values in Column A of this table shall be SHIELDED. LUMINAIRES whose LAMP wattage exceeds the values in Column B of this table shall be FULLY SHIELDED.

Lamp type	A; SHIELDED	B; FULLY SHIELDED
Incandescent, Halogen	60 w	120 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w	35 w
Fluorescent, Low Pressure Sodium	13 w	20 w

C. Insert a new section 5.3.5.3 as follows:

5.3.5.3 In all Districts, the Planning Board may by special permit increase the height limits in the Table of Standard Dimensional Regulations for light poles that illuminate outdoor recreation facilities such as, but not limited to, playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks that are operated as a Recreation, Municipal, or Commercial Recreation USE. In considering a special permit, the Planning Board shall take into account the trade-offs between the height of light poles and the improved illumination of the facility, and it shall weigh any mitigating effects on light trespass and glare. The luminaires on such light poles shall comply with section 10.6.2.4.c) of this bylaw. No such light poles shall exceed a height of 85 feet.

D. Delete Section 7.4.3.3 and replace it with a new section 7.4.3.3 as follows:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through a stationary external light source, with the light projected downward from above and in compliance with section 10.6.2.4.a) of this bylaw. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.

[Note: Section 7.4.3.3 currently reads:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through an external light source which shall be stationary, and concealed or hidden so that it is invisible from any abutting property and practically invisible to the casual passerby on or outside the LOT. Such light source shall be directed primarily onto the SIGN and maintained at a sufficiently low intensity and brightness to avoid glare. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.]

, or take any other action relative thereto.

SUMMARY

This article, if adopted, would provide new regulations for permanent outdoor lighting on commercial sites in Acton. The proposed regulations would apply to the development of new commercial properties and to substantial redevelopment or expansion of existing commercial properties. The article proposes to regulate the design of outdoor lighting installations to prevent light trespass and glare, the hours during which outdoor lights may be turned on, and the total light power used on a site. A detailed lighting plan would be required as part of all site plan special permit applications. The article proposes changes to the regulation of sign illumination to limit external illumination of signs only from a shielded light source above the sign. For outdoor recreation facilities, the article proposes special lighting design standards and,

by special permit, a height exemption for pole mounted lighting. Both measures would reduce light trespass from illuminated outdoor recreation facilities while also improving the illumination of those facilities. This article was developed by the Outdoor Lighting Advisory Committee (OLAC).

Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 27 # A RESOLUTION OF THE TOWN OF ACTON
(Majority vote) AFFIRMING OUR CIVIL LIBERTIES

Whereas, the Town of Acton denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, & health service professionals, and

Whereas, the Town of Acton values a diverse population whose contributions to the community are essential to its vitality and character, and

Whereas, the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and

Whereas, the First Amendment to the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances,” and

Whereas, the Fourth Amendment states “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,” and

Whereas, the Sixth Amendment guarantees defendants the following rights: “the right to a speedy and public trial, by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have the assistance of counsel for his defense,” and

Whereas, the Eighth Amendment states “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,” and

Whereas, the Fourteenth Amendment states “... nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of laws,” and

Whereas, we believe these liberties are precious & are now being threatened by the USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as "terrorist organizations," and
- Grants the FBI broad and unsupervised access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Whereas, Federal Executive Orders

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI (i.e., covert activities that in the past targeted domestic groups and individuals), and
- Limit the disclosure of public documents & records under the Freedom of Information Act;

Whereas, Town employees are prevented from protecting the constitutional rights of citizens of Acton according to Section 215 of the USA PATRIOT Act and are at risk of prosecution due to the conflict between said Section and the Constitution of the United States;

NOW, THEREFORE, in keeping with the spirit and history of the Town of Acton, **BE IT RESOLVED THAT**:

1. The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.

2. The Town of Acton calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others' civil rights and civil liberties.

3. The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.

4. The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S.

Attorney General accompanied by a letter urging them to:

- Thoroughly and immediately assess the impact of the USA PATRIOT Act on individual civil liberties;
- Work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
- Closely monitor federal anti-terrorism tactics;
- Oppose further legislation & Executive Branch Orders that violate our Bill of Rights.

5. The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

SUMMARY
(By Petitioner)

The USA PATRIOT Act was passed in haste following the September 11th terrorist attacks. While some portions of the Act are necessary to increase security, others – as written – conflict with the Constitution or are so vague that our basic civil liberties may be abused.

This Resolution reaffirms our town's strong belief in the Bill of Rights and asks the Town Manager to request that our representatives in Washington assess the impact of the USA PATRIOT Act, repeal provisions that infringe on our civil liberties, closely monitor government anti-terrorism tactics and oppose further provisions that may violate the Bill of Rights.

Direct inquiries to: Sue Kennedy, (978) 264-9165, or Sid Levin, (978) 263-6515
Acton Citizens for the Bill of Rights

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	No Recommendation

The following Articles, 28 through 38, if adopted, make changes to the East Acton Village zoning district and introduce a new zoning district, East Acton Village 2, to implement the strategies in the East Acton Village Plan.

One of the goals of the Acton Master Plan (last updated in 1998) was to encourage the creation of plans for each of Acton's village centers: West Acton Village, South Acton Village, East Acton Village, and North Acton Village. During the 1990s, plans were created for West Acton and South Acton Villages. In the fall 2000, the Acton Board of Selectmen appointed a group of volunteers to create a plan for East Acton Village (EAV). The group was called the East Acton Village Planning Committee (EAVPC) and it consists of Acton residents, business and property owners.

The East Acton Village zoning district is located on both sides of Great Road (Route 2A) extending from the Concord town line to just west of the intersection with Concord Road. The committee focused its study on the East Acton Village zoning district and adjacent properties, but also considered the surrounding neighborhoods and businesses. It inventoried existing conditions, considered future conditions, and examined issues related to land use, zoning, development, transportation and infrastructure, housing, historic preservation, village character, and the environment. After several years of research, close to 100 committee meetings, surveys of residents and EAV businesses, and four formal public input meetings, the EAVPC has completed the East Acton Village Plan (EAV Plan).

The EAV Plan was adopted by the Planning Board on January 27, 2004 as an addendum to the Acton Master Plan.

The purpose of the EAV Plan is to encourage a more concentrated, cohesive, and identifiable East Acton Village. To enhance the village, recommendations are made in the EAV Plan that focus on East Acton Village:

- Becoming a more pedestrian and bicycle-friendly destination;
- Having a greater sense of community;
- Protecting the environment and enhancing community open spaces;
- Having safe, efficient traffic flow at reasonable speeds;
- Preserving EAV history and heritage;
- Allowing a moderate increase in density;
- Encouraging a mix of residences and businesses.

The following Articles, 28 through 38, represent these general goals, and if adopted, would begin to implement the East Acton Village Plan. All the East Acton Village-related Articles have been recommended by the Acton Planning Board and have received the support of the Economic Development Committee.

ARTICLE 28 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) VILLAGE GREEN REZONING

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Limited Business (LB) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map G-4 as parcel 212, or take any other action relative thereto.

SUMMARY

This article would rezone a 2/3rd-acre town-owned property at 108 Great Road, on the northwest corner of Concord Road and Great Road. Railroad tracks on the western edge of the parcel separate it from another parcel and Ice House Pond, both of which are Town-owned and currently zoned ARC. The East Acton Railroad Depot was located in this area from the late 1800s through the early 1900s along with a green in the early 1900s. Both parcels, the one already zoned ARC and the one discussed in this article, are currently being considered for a new East Acton Village green. Additionally, the railroad right of way that separates the parcels is currently being planned for a rail trail (the “Bruce Freeman Rail Trail”). A survey conducted of East Acton residents and Town Meeting attendees in 2001 as part of the East Acton Village planning process found that respondents desired open space within East Acton Village. If adopted, this article would change the zoning from Limited Business (LB) to Agriculture, Recreation, Conservation (ARC), making it consistent with the uses and activities being considered and planned for the area, the desires of many Town residents, and the zoning of the adjacent Town-owned parcels.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 29 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) 8 WETHERBEE STREET REZONING

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Small Manufacturing (SM) to East Acton Village (EAV) an area of land shown in the 2003 Town Atlas on map G-5 as parcel 69, or take any other action relative thereto.

SUMMARY

This article would rezone a 1.5-acre property at 8 Wetherbee Street. This prominent parcel is the only business property located between Nashoba Brook, Concord Road, and Great Road not currently zoned East Acton Village (EAV). The close proximity of the parcel to the village makes it easily accessible by foot to village residents and visitors. Rezoning the parcel to EAV provides for its consistent treatment with land in the EAV zoning district and would encourage its future redevelopment consistent with the village scale and mixture of uses that have been described in the East Acton Village Plan. The existing business would be allowed to continue in the EAV zoning district as a pre-existing nonconforming use.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 30 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) EAV DISTRICT USE REGULATIONS

To see if the Town will vote to amend the zoning bylaw, section 3 as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. In the Table of Principal Uses, delete the EAV column and replace it with a new EAV column as follows [*Y = the use is allowed; N = the use is not allowed; SPA or SPS = the use may be allowed by special permit. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets*]:

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.2 GENERAL USES		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
3.3 RESIDENTIAL USES		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y [N]
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y(3) [N(3)]
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	N [SPS]
3.4.5	Public or Private Utility Facilities	SPS [Y]
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	N
3.4.11	Commercial Education or Instruction	Y [SPS]
3.5 BUSINESS USES		
3.5.1	Retail Store	SPS (11) [Y]
3.5.2	Office	SPS (11) [Y]
3.5.3	Health Care Facility	Y
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	Y
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS [N]
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	N [Y]
3.5.15	Commercial Recreation (9)	SPS (11) [SPS]
3.5.16	Commercial Entertainment	Y [N]
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N [SPS]
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N [Y]
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
3.6 INDUSTRIAL USES		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

B. In the Table of Principal Uses, insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

C. Amend section 3.5.5 by adding at its end the following sentence:

“In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.”

[Note: Section 3.5.5 currently reads:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In

the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]

D. Delete section 3.5.6 and replace it with a new section 3.5.6 as follows:

3.5.6 Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of Sections 5.4 and 5.5.

[Note: Section 3.5.6 currently reads:

Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts. Business USES and DWELLING UNITS may in the same BUILDING or in separate BUILDINGS.]

E. Insert a new section 3.9.3 as follows:

3.9.3 Nonresidential USES in the EAV District – In the EAV District, only the following USES shall be allowed on the ground floor of commercial or mixed use BUILDINGS: Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Veterinary Care; Services; Commercial Entertainment; Commercial Recreation; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; and Repair Shop, Technical Shop, Studio.

, or take any other action relative thereto.

SUMMARY

This article would revise the use regulations for the East Acton Village (EAV) zoning district. It would provide for a greater variety of business types and sizes in the village, but prohibit new businesses of the kind that are not conducive to pedestrians, such as vehicle service stations. One of the goals is to encourage businesses with “walk-in” traffic on the ground floor of buildings, to discourage the appearance that such commercial space is abandoned, and to improve the feeling that the village district is a thriving and dynamic place to be. Allowing a greater variety of businesses as well as residential uses that would fit in the existing fabric of smaller buildings and properties in the village facilitates the economic reuse of historic structures. Villages require a minimum level of residences near or around them in order to become and remain viable. This article would permit additional types of housing common in traditional villages such as two-family dwellings and apartments above stores. Overall, the proposed changes in use regulations are intended to help keep the area vibrant during business and non-business hours.

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 31 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) EAV DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the zoning bylaw, section 5, Table of Standard Dimensional Regulations, by deleting the line for EAV and replacing it with a new line for EAV as follows: *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV	NR	NR	NR	10 (10)	NR (1)	25%	0.20 (4)	36
	<i>[10,000]</i>	<i>[100]</i>	<i>[50]</i>	<i>[10(9)]</i>	<i>[10(1)]</i>	<i>[35%]</i>		

and, delete in the first sentence of footnote (10) the words “SAV District” and replace them with the words “SAV and EAV Districts”.

[Note: The first sentence of footnote (10) currently reads: “The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20’) in the SAV District, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least”.]

, or take any other action relative thereto.

SUMMARY

This article would revise the dimensional regulations for the East Acton Village zoning district, making them more consistent with the patterns of traditional villages rather than highway commercial areas. If adopted, this article would allow newer buildings to be similarly aligned with the older, historic village buildings that are closer to Great Road. Minimum required setbacks would be reduced so that buildings can be situated to within 10 feet from the street right-of-way line (“front yard setback”) and up to the side and rear lot lines. For a business use abutting a residential district the side and rear setback abutting the residential district would remain at 30 feet (footnote 1). Minimum lot area, lot frontage and lot width requirements in the EAV zoning district would be removed to allow buildings to be situated closer together for the convenience of pedestrian shoppers and to encourage people to walk within the village rather than drive between businesses. The minimum open space requirement would be slightly reduced to allow more compact village development while still retaining the environmental health of the village. In addition, this article would allow owners of properties bordering Nashoba Brook to place buildings and additions further away from the brook and nearer to the street, helping to protect the water quality of the brook. Overall, this article would provide more flexibility to all property owners to redevelop and improve their properties in a way that is consistent with a village setting.

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Recommendations: **Board of Selectmen** **Finance Committee** **Planning Board**
 Recommended **Recommended** **Recommended**

ARTICLE 32 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) EAV SPECIAL PROVISIONS

To see if the Town will vote to amend section 5.5 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Delete section 5.5.1 and place a new purpose statement under the existing title of section 5.5 – Special Provisions for Village Districts, as follows:

“Purposes – The purposes of this section are to set forth specific provisions regarding development scale and intensity in the Village Districts in order to promote compact development patterns, a mixture of housing and businesses, the preservation and vitality of small businesses, pedestrian amenities and pedestrian-scale environments, and environmentally sustainable design and construction.”

[Note: Section 5.5.1 currently reads:

Purpose – The purpose of this Section is to set forth specific provisions regarding development intensity in the Village Districts in order to promote compact development patterns, preservation and vitality of small businesses; and pedestrian-scale environments.]

- B. After the Purpose statement of section 5.5, insert a new section title as follows:

“5.5A Business Size Limits in Village Districts”

and re-number section 5.5.2 – Maximum Floor Area of Businesses and Industries, to become new section 5.5A.1, and delete the column for EAV in the table of this section and replace it with a new column for EAV as follows [*All limits are expressed in square feet. Where changes are proposed, the current floor area limits are shown in italic print*]:

<u>PRINCIPAL USES</u>	<u>VILLAGE DISTRICTS</u>
	<u>EAV</u>
3.4.11 Commercial Education or Instruction	5,000
3.5.1 Retail Store	7,500 [<i>5,000</i>]
3.5.2 Office	7,500 [<i>5,000</i>]
3.5.3 Health Care Facility	5,000
3.5.5 Restaurant	5,000
3.5.9 Lodge or Club	5,000 [<i>NR</i>]
3.5.10 Veterinary Care	5,000 [<i>NR</i>]
3.5.12 Services	5,000
3.5.13 Repair Shop, Technical Shop, Studio	5,000
3.5.14 Building Trade Shop	5,000
3.5.15 Commercial Recreation	7,500 [<i>NR</i>]
3.5.16 Commercial Entertainment	5,000 [<i>NR</i>]
3.6.3 Manufacturing	NR
NR = No Regulation	

and, for line 3.4.11 insert the letters NR under the column headings NAV, SAV, and WAV.

[Note: Line item 3.4.11 is a new entry in this table. It is an allowed use by special permit in the other Village Districts, but no size limitations exist for that use in those districts. Line 3.6.3 is an existing entry in the table, but Manufacturing is not an

allowed use in the EAV District. Therefore, size regulations are not applicable in this district.]

C. Insert a new section title 5.5B as follows:

5.5B Special Provisions for the East Acton Village District

and insert a new section 5.5B.1 as follows:

5.5B.1 Design Provisions for the East Acton Village District

5.5B.1.1 Purpose – In the East Acton Village District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, and jobs in a manner that is compatible with Acton’s historic development pattern and establishes pedestrian accessibility and circulation throughout the East Acton Village area in order to limit vehicular congestion. These regulations will provide clear guidance to those who would like to expand or locate businesses in the East Acton Village District. They will also ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the East Acton Village District as an attractive, pleasant, and desirable center for business, shopping, and other commercial and community activities.

The layout and design of the sites and BUILDINGS shall be conducive to pedestrian use. The purpose of the design principles herein is to provide convenient and efficient pedestrian access within the East Acton Village District; to connect the East Acton Village District via pedestrian ways to surrounding neighborhoods and facilities which are otherwise separated with landscape buffers; to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and to encourage BUILDINGS with a pedestrian oriented scale and design. For more guidance related to the layout and design of sites and buildings in the East Acton Village (EAV) District, please refer to the East Acton Village Plan as amended.

5.5B.1.2 The following standards shall apply to all STRUCTURES and additions to STRUCTURES for which a Site Plan Special Permit is required on LOTS in the EAV District:

- a) The Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT’S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide but wider where necessary to allow pedestrian shopping and activities to spill out onto the sidewalk. Sidewalks may be located wholly or partially within the STREET layout. If on LOTS, sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped buffer to provide both safety to pedestrians and to create the sense of village. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping and STREET design elements such as benches and shrubs, and it may consist in part of on-STREET vehicular parking spaces.
- b) Walkways – The Site Plan Special Permit Granting Authority shall require walkways among BUILDING entrances using straight and/or gently curving paths connecting BUILDINGS to BUILDINGS, BUILDINGS to STREETS, and BUILDINGS to sidewalks with minimal interruption by driveways. Parking lot aisles, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, etc.). Special features should be designed for public interaction. Benches and other places for people to wait, bicycle racks, stroller bays,

and other pedestrian amenities may be required near building entrances if deemed appropriate by the Site Plan Special Permit Granting Authority. Where feasible, walkways should have some degree of enclosure achieved through the use of BUILDING fronts, trees, low hedges, arcades, trellised walks, or other means in order to positively define its space. Walkways and related pedestrian amenities on LOTS under this Section b) and the following Sections c) and d) shall be considered part of the minimum required OPEN SPACE.

- c) Connections between LOTS – The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- d) Connections to EAV Surroundings – The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- e) The Pedestrian Plaza – Where a LOT has on it STRUCTURES totaling a NET FLOOR AREA of 30,000 square feet or more, it shall have one or more pedestrian plazas on it.
 - i. The combined area of pedestrian plazas shall measure at least 5% of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. At least one of the pedestrian plazas shall measure 1,500 square feet or more with a minimum side dimension of 20 feet. No pedestrian plaza shall measure more than 3,000 square feet.
 - ii. The pedestrian plaza shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk and walkways. For the purpose of this Section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.
 - iii. The pedestrian plaza shall be designed open on one side to an adjacent larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, basketball hoop, game tables, or playground. Within the pedestrian plaza, at least one seating area or activity pocket shall be placed along the edge of the plaza looking into the plaza. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting and/or group activities. Where feasible, add a few steps at the edge where stairs come down or where there is a natural change in grade. Make these raised areas immediately accessible from below so that people may congregate and sit to watch the local activity. To create minor boundaries between outdoor areas and/or BUILDINGS where there is no grade change, add “sitting walls”. Sitting walls should be no higher than 16 inches and wide enough to sit on (at least 12 inches wide).
 - iv. Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of the EAV District and to mitigate fumes. All landscaping shall use species that are

- tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.
- v. Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.
 - vi. A pedestrian plaza shall be considered part of the minimum required OPEN SPACE. The area required for a sidewalk shall not be included in the pedestrian plaza.
- f) Driveways and Parking Lots -
- i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
 - ii. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, to the rear of a pedestrian plaza or underground. Where parking is located to the rear of BUILDINGS with additional BUILDINGS behind, a quadrangle effect should be created allowing parking, landscaping, and walkways / bikeways within this center area surrounded on all sides by shops and activity centers.
- g) BUILDING Design –
- i. At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 20 feet of the STREET sideline. A reduction of this requirement of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.5B.1.1 of this Bylaw.
 - ii. BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing, and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.5B.1.1 of the Bylaw.
 - iii. BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have setbacks only to accommodate sidewalks and/or pedestrian plazas or amenities and shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.
 - iv. The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, uneven angles, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.
 - v. The BUILDING front facade(s) shall be faced with materials that resemble historic New England architecture.

- vi. On the BUILDING fronts, the ground floor shall be designed to be occupied by businesses with a higher percentage of walk-in traffic (e.g., Retail Stores, Restaurants, Service related businesses, Commercial Entertainment).
- vii. The main business entrance to each ground floor business, identified by the larger doors, signs, canopy, or similar means of highlighting, shall be from the BUILDING front.
- viii. Arcades and canopies are encouraged. They shall not be considered part of the BUILDING. These arcades and canopies should be used to connect the BUILDINGS to one another so that a person can walk from place to place under shelter. Arcades and canopies may be located within the 10-foot front yard setback where the Site Plan Special Permit Granting Authority finds such placement appropriate and consistent with Section 5.5B.1.1 of the Bylaw.
- ix. The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.
- x. Except for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.5B.1.1 of the Bylaw and that they enhance one or more architectural features.
- xi. On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.
- xii. Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.
- xiii. Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.
- xiv. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.5B.1.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.
- xv. Garage doors or loading docks shall not be allowed in the BUILDING fronts.
- xvi. BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.
- xvii. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.
- xviii. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

, or take any other action relative thereto.

SUMMARY

Part A of this article would revise the purpose statement for the Special Provisions for Village Districts to be more inclusive of the section's various existing and proposed elements.

Part B would change the size limits for certain businesses in the East Acton Village zoning district. The current regulations for the East Acton Village district already limit the sizes of individual businesses. This article would amend those limits and add new limits for commercial entertainment and veterinary care, two new business uses proposed for the East Acton Village zoning district. The size limits help ensure a greater variety of smaller businesses more suitable in scale to the village setting within walking distance from one another. Part B also introduces a revised numbering system for section 5.5 and its subsections to accommodate the proposed changes for the East Acton Village district.

Part C would create a new section of the zoning bylaw to regulate site and building designs in the East Acton Village district. All parcels in East Acton Village are developed to some degree at this time. Therefore, the process of creating village character will take time and include the redevelopment of many parcels. By providing design standards and offering incentives, owners will be encouraged to redevelop their properties according to the village concepts contained in the East Acton Village Plan.

The vision is to distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A), to keep it compact, maintain its historic structures, increase business variety, and make it more pedestrian-friendly. The standards would only apply to new construction or additions, whereas existing buildings could be adapted or integrated as the circumstances allow best. If adopted, the standards would encourage:

- pedestrian, bicycle and vehicular connectivity between businesses, residences, and recreational resources;
- buildings located closer to the front of lots with vehicular parking or additional buildings to the side or in the rear;
- new buildings in keeping with the general style of a traditional New England village; and
- buildings and streetscapes sized for pedestrian comfort with plenty of interesting storefronts and amenities, landscaping, and green spaces.

The standards focus on the relationships between people and village activities, trying to ensure that the village grows in such a way that it fosters a stronger sense of community and creates a safe, attractive, convenient, and interesting place for people to meet, work, shop, and gather. Overall, if adopted, the design standards are intended to guide future development in East Acton Village in a direction that creates a pedestrian-friendly village center unique to Acton as opposed to an assembly of strip shopping centers.

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 33 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN **(Two-thirds vote) SITE PLAN REVIEW THRESHOLD FOR EAV**

To see if the Town will vote to amend the zoning bylaw, section 10, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete the lead paragraph of section 10.4.1.1 and replace it with a new lead paragraph 10.4.1.1:

10.4.1.1 In the EAV, SAV, and WAV Districts, a Site Plan Special Permit shall be required in all instances

[Note: Section 10.4.1.1 currently reads:

10.4.1.1 In the WAV and SAV Districts, a Site Plan Special Permit shall be required in all instances

1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or

2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or

3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.]

B. Insert a new section 10.4.3.11 as follows:

10.4.3.11 Special Provisions Applicable to the EAV District – In the EAV District the site and BUILDING design shall be in compliance with Section 5.5B of this Bylaw.

, or take any other action relative thereto.

SUMMARY

If adopted, this article would subject all development or building expansions greater than 500 square feet in the East Acton Village zoning district to a site plan special permit, and thus be required to adhere to the Design Provisions for East Acton Village. In more densely settled areas such as villages, small projects and additions can have a proportionately greater functional and visual impact than in other commercial and industrial areas. This article would better ensure that new development within the East Acton Village zoning district would occur in a manner consistent with East Acton Village character as described in the Village Character chapter of the East Acton Village Plan. If adopted, this article would also allow property and business owners to maintain their properties and make minor changes or renovations without sustaining the potential financial burden that could occur if the entire site had to be redeveloped at one time.

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Recommendations:

Board of Selectmen
Recommended

Finance Committee
Recommended

Planning Board
Recommended

ARTICLE 34 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) EAV-2 DISTRICT

To see if the Town will vote to amend the zoning map and bylaw, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. **Zoning Map, Map No.1.** Rezone to East Acton Village 2 (EAV-2) the following parcels of land identified by their 2003 Town Atlas Map and Parcel numbers [*Street addresses and current zoning designation are shown for reference purposes only*].

Map	Parcel	<i>Present Zoning</i>	<i>Street Address</i>
F-4	54	<i>LB</i>	<i>136 Great Rd</i>
F-4	67	<i>LB</i>	<i>134 Great Rd</i>
F-4	67-1	<i>LB</i>	<i>132 Great Rd</i>
F-4	69*	<i>LB / R-8</i>	<i>129 & 133 Great Rd</i>
F-4	69-1	<i>LB / R-8</i>	<i>125 Great Rd</i>
F-4	104	<i>LB</i>	<i>128 Great Rd</i>
G-4	10	<i>LB</i>	<i>126 Great Rd</i>
G-4	143	<i>SM</i>	<i>13 Wetherbee St</i>
G-5	82	<i>SM</i>	<i>18 Wetherbee St</i>
G-5	82-1	<i>SM</i>	<i>30 & 30A Great Rd</i>
G-5	83**	<i>SM / EAV</i>	<i>1-13 Keefe Rd</i>
G-5	90	<i>SM</i>	<i>19 Keefe Rd</i>
G-5	92	<i>SM</i>	<i>21 Keefe Rd</i>
G-5	93	<i>SM</i>	<i>25 Keefe Rd</i>

* Rezone to EAV-2 only that portion of parcel F-4/69 that is shown as Lot 1C on a Plan of Land in Acton, Massachusetts for Distinctive Acton Homes by Stamski and McNary, Inc., dated April 4, 2003 and endorsed by the Acton Planning Board as an Approval-Not-Required-Plan on May 27, 2003 (Engineering Department plan file #3668).

** Rezone to EAV-2 only that portion of parcel G-5/83 that is presently zoned SM.

- B. **Zoning Bylaw – Section 2.** In section 2.1 insert the following new zoning district classification under the heading of Village Districts:

East Acton Village 2 EAV-2

- C. **Zoning Bylaw – Section 3.** In the Table of Principal Uses insert the following new EAV-2 column under the heading for Village Districts [*In the table below Y indicates that the use is allowed by right, N indicates that the use is prohibited, and SPA, SPS or SPP indicate that the use may be allowed by special permit.*]:

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
3.2 GENERAL USES		
3.2.1	Agriculture	Y

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
3.2.2	Conservation	Y
3.2.3	Recreation	N
3.3 RESIDENTIAL USES		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y (3)
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	SPS
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	SPP
3.4.11	Commercial Education or Instruction	Y
3.5 BUSINESS USES		
3.5.1	Retail Store	Y
3.5.2	Office	Y
3.5.3	Health Care Facility	SPS (11)
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	SPS
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	Y
3.5.15	Commercial Recreation (9)	SPS
3.5.16	Commercial Entertainment	Y
3.5.17	Golf Course in Residential Districts	N

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
3.6 INDUSTRIAL USES		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

and insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

D. Zoning Bylaw – Section 5. In the Table of Standard Dimensional Regulations, insert the following entry for EAV-2:

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV-2	15,000	50	NR	10	10 (1)	35%	0.20	36

And add at the end of footnote (1) the words “and EAV-2”.

[Note: Footnote (1) currently reads:

(1) Where a nonresidential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV.]

E. Zoning Bylaw – Section 6. Insert a new section 6.9.3 as follows:

6.9.3 In the EAV-2 District, the following special provisions for parking shall apply:

- a) Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV, EAV-2, and LB zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed

to provide for the future construction of common driveways. For the purposes of this Section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

- b) Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the same zoning district where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. In the case of such collective use of a parking facility, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.

and renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become sections 6.9.4, 6.9.5, and 6.9.6, including their subsections, respectively.

, or take any other action relative thereto.

SUMMARY

This article would establish a new East Acton Village-2 zoning district in place of the present Small Manufacturing (SM) district in the East Acton area, and on several parcels along Great Road north of Concord Road, most of which are currently zoned Limited Business (LB). The intent of creating the EAV-2 district is to discourage sprawl by concentrating development into a more intimate, centralized area (East Acton Village), surrounded by open space and less dense development (EAV-2). Creating the new zoning district would help protect environmentally sensitive areas while defining the village and better serving the social, cultural, financial, and environmental goals of the community. This article would also provide property owners in the EAV-2 zone with more flexibility in developing or redeveloping their properties.

Parts A through C of this article would assist in protecting East Acton Village from encroachment by businesses of a type and scale incompatible with a village. If this article is adopted, the allowed uses in the EAV-2 district would be similar to those in the EAV district, with the following exceptions: nursing homes and wireless communication facilities would be allowed by special permit in EAV-2 while not allowed in EAV, bed and breakfast would be allowed by special permit in EAV-2 where it is allowed by-right in EAV, and building trade shops would be allowed by right in EAV-2 while not allowed in EAV. The change to EAV-2 would largely maintain or, in the case of parcels presently zoned Small Manufacturing (SM), expand the variety of land use options for the affected properties, although the mix of allowed uses would change somewhat.

Part D would establish dimensional requirements for the proposed EAV-2 District. The dimensional requirements are designed to provide a transition in lot area, frontage, and setbacks to the East Acton Village. They would be less restrictive than those under the current SM or LB zoning of the affected properties.

Part E of this article would encourage shared parking by allowing a reduction of the minimum parking requirements to 70% of the otherwise required parking spaces. The purpose of this change is to reduce impervious cover (asphalt) along Great Road, minimize curb cuts to the street, eliminate potential traffic conflicts, and encourage people to park their vehicle in one place and conduct their business activity on foot.

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 35 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) OPTIONS FOR DENSITY INCREASES IN EAV

To see if the Town will vote to amend the zoning bylaw, section 5, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Insert a new section 5.5B.2 as follows:

5.5B.2 Variable Density Provisions for the East Acton Village Districts

5.5B.2.1 Purpose – The purposes of this section are to better distinguish the East Acton Village District visually and aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous Section 5.5B.1, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time. Vehicle parking, OPEN SPACE, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level set forth in this section. Density in the East Acton Village District shall not be considered as an end in itself, but as a prerequisite to achieve the critical mass required for a vibrant village.

5.5B.2.2 Variable Density Options – For a LOT in the East Acton Village District, the Board of Selectmen may grant a Special Permit for increases in density by allowing additional NET FLOOR AREA above the FLOOR AREA RATIO of 0.20 set forth in the Table of Standard Dimensional Regulations. To increase the density, the options a) through d) set forth below may be selected and combined in a flexible manner to increase the NET FLOOR AREA up to a maximum FLOOR AREA RATIO of 0.50 on the LOT. To the extent that this Special Permit may coincide or overlap with other special permits from the Board of Selectmen in other Sections of this Bylaw, they shall be processed concurrently so far as practical:

- a) Transfer of Development Rights – Density on the LOT may be increased through the Transfer of Development Rights according to one or more of the methods, procedures, and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.20 on the LOT:
 - i. Transfer of Development Rights under Section 5.4 – Transfer of Development Rights from the Sending District as defined in Section 5.4.2.2 to a receiving LOT in the East Acton Village District subject to the provisions for such transfers set forth in Section 5.4 and its subsections of this Bylaw.

- ii. Transfer of Development Rights within the East Acton Village Districts - Transfer of Development Rights from a sending LOT within the East Acton Village District or the East Acton Village 2 (EAV-2) District to a receiving LOT in the East Acton Village District. The effect of such a transfer shall be an increase in NET FLOOR AREA on the receiving LOT compensated by an equal reduction in the maximum NET FLOOR AREA, and the concurrent maximum FAR, on the sending LOT, subject to the bonus provision iii. below.
 - iii. Bonus for Certain Transfers – Where the receiving LOT within the East Acton Village District is located on the east side of Great Road, and the sending LOT is located in the East Acton Village District on the west side of Great Road or within the East Acton Village 2 (EAV-2) District, and the sending LOT contains or has stream frontage on Nashoba Brook, the receiving LOT shall be entitled to a 25% density bonus on the transferred NET FLOOR AREA. However, this bonus shall not result in exceeding the maximum FAR 0.20 factor allowed for receiving LOTS in Section 5.5B.2.2.a). For example, under this bonus, an additional 1,250 square feet of NET FLOOR AREA on the receiving LOT requires the purchase of only 1,000 square feet of NET FLOOR AREA from the sending LOT. 250 square feet constitutes the bonus.
 - iv. Determination of Development Rights for affected LOTS under Sections ii. and iii. above – Before granting a Special Permit for the Transfer of Development Rights under Section ii. or iii. above, the Board of Selectmen shall determine the total development rights for all LOTS to be affected by the proposed transfer, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, counting any development rights previously added or removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
 - v. The Board of Selectmen shall require that, upon transfer of the development rights authorized in its special permits, the owner of the sending LOT shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the sending LOT. The covenant shall restrict the sending LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
 - vi. Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the East Acton Village and East Acton Village 2 Districts.
- b) Historic Preservation – Density on the LOT may be increased if the proposed development includes the restoration or preservation of a historic STRUCTURE on the LOT, subject to the requirements and penalties set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
 - i. Detailed Proposal – The application for a Special Permit to increase density shall include a detailed proposal for the restoration or preservation of a historic STRUCTURE, including architectural drawings, building materials, cost estimates, and an architect's opinion regarding its feasibility and risks.

- ii. Historical Commission Certification – The application for a Special Permit to increase density shall include a written certification from the Acton Historical Commission that the STRUCTURE is included in Acton’s Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending.
 - iii. Historical Commission Recommendation – The application for a Special Permit to increase density shall include a written recommendation from the Acton Historical Commission stating its support for the restoration or preservation of the STRUCTURE and the methods to achieve it.
 - iv. Performance Guarantee to Secure Preservation Commitment – In granting a Special Permit to increase density under this Section, the Board of Selectmen may require a performance guarantee to secure the restoration or preservation of the historic STRUCTURE.
 - v. Penalty – The intentional demolition of a historic STRUCTURE, for which the Acton Historical Commission certifies that it is included in Acton’s Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending, shall result in the prohibition of any and all density increases available under this Bylaw on the subject LOT for a period of 25 years following the demolition. However, this penalty shall not apply, where the Acton Historical Commission has, prior to the demolition, provided its written consent to the demolition in accordance with its authority and jurisdiction under Chapter N of the Bylaws of the Town of Acton.
- c) Affordable Housing – Density on the LOT may be increased if the proposed development includes at least 1 affordable DWELLING UNIT or 10% affordable DWELLING UNITS on the LOT, whichever is greater, subject to the standards and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
- i. The term “affordable DWELLING UNIT” as used in this Section shall mean a DWELLING UNIT that is restricted to sale, lease or rental to persons or households within specific income and asset limitations, and at specific price limits, both as established in provisions of any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income persons or households, and that are in effect at the time that the Board of Selectmen receive the Special Permit application.
 - ii. Affordability Standards – Subject to the Board of Selectmen’s approval, an applicant for a density bonus under this option may utilize an available State or Federal assistance program or choose to meet affordability requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for affordable DWELLING UNITS that are generally consistent with available affordable housing assistance programs.
 - iii. Affordability Restrictions – Affordable DWELLING UNITS shall be maintained as such in perpetuity. Each affordable DWELLING UNIT shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for perpetuity. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

- iv. The Board of Selectmen may require that the restrictions for affordable DWELLING UNITS contain a Right of First Refusal to the Town of Acton or its designee at the restricted resale value, and that the owner provides notice of such Right of First Refusal to the Town of Acton or its designee prior to selling the affordable DWELLING UNITS with adequate time for the Town or its designee to exercise the Right of First Refusal.
 - v. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an affordable DWELLING UNIT due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an affordable DWELLING UNIT shall be enforced upon resale, re-rental, or re-lease of the affordable DWELLING UNIT. The mechanisms and remedies to enforce the restrictions governing an affordable DWELLING UNIT upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.
 - vi. All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an affordable DWELLING UNIT shall be executed prior to the issuance of any building permit that will implement the increase in density authorized under the Special Permit.
 - vii. Locations and compatibility of affordable DWELLING UNITS – Affordable DWELLING UNITS shall be dispersed throughout the development to insure a true mix of market-rate and affordable DWELLING UNITS. The exterior of affordable DWELLING UNITS shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS on the same LOT. All internal design features of affordable DWELLING UNITS shall be substantially the same as those of market-rate DWELLING UNITS.
 - viii. Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the affordable DWELLING UNITS shall be initially offered to qualified low and moderate income households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular affordable DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the affordable DWELLING UNIT who meet the local preference criteria and the applicable income requirements.
 - ix. Timing of construction – As a condition of the issuance of a Special Permit under this Section, the Board of Selectmen may set a time or development schedule for the construction of affordable DWELLING UNITS and market-rate DWELLING UNITS on the LOT.
- d) LEED certification – Density on the LOT may be increased if the proposed development is certified under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.05 on the LOT. To qualify for the density bonus for LEED certification in the East Acton Village District, a project would have to meet the LEED standards for New Construction & Major Renovation Projects.

- B. In the Table of Standard Dimensional Regulations, delete footnote (4) and replace it with a new footnote (4) in the same locations and in the line for the EAV-2 District and the column under Maximum Floor Area Ratio, to read as follows:
- (4) In the EAV District, subject to the provisions in Sections 5.4 and 5.5B.2. In the EAV-2 District, subject to the provisions in Section 5.5B.2. In the NAV District, subject to the provisions in Section 5.4 and 5.5C. In the LB District, subject to the provisions in Section 5.4.
- C. Delete sections 5.5.3 and its subsections, and section 5.5.5, and replace them with a new section 5.5C and new subsections as follows:

[Note: Existing section 5.5.3 and its subsection are identical to the proposed section 5.5C.1 and its subsections, except that all references to the East Acton Village District have been deleted. Existing section 5.5.5 is identical to the proposed section 5.5C.2, except for the new section title. No changes are proposed for the North Acton Village District.]

5.5C Special Provisions for the North Acton Village District

5.5C.1 Variable Density Provisions for the North Acton Village District

5.5C.1.1 Purpose – These provisions are intended to permit flexible density levels for individual LOTS in the North Acton Village District, while maintaining an overall ceiling on total NET FLOOR AREA. The purpose of permitting variable density levels is to permit further clustering of USES in a compact village pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions should be interpreted as permitting the Transfer of Development Rights within the North Acton Village District, but not as permitting an increase in the total amount of maximum development in that District.

5.5C.1.2 Transfer of Development Rights Within the North Acton Village District

- a) For a LOT in the North Acton Village District, the Board of Selectmen may grant a Special Permit for the Transfer of Development Rights within the District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA above the total amount permitted by:
 - i. the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and
 - ii. if applicable, any Certificate of Development Rights previously transferred to the LOT from within or from outside the District.
- b) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA for another LOT in the North Acton Village District.

5.5C.1.3 Standards of Review – In deciding on the merits of a proposal for Transfer of Development Rights within the North Acton Village District, the Board of Selectmen shall consider the following criteria and objectives:

- a) Increased density on a LOT should support a sense of community through a concentration of a variety of USES; therefore, density increases should be granted only where such concentrations are compatible with surrounding USES. The implementation of this provision should tend to facilitate the development of a viable village center through the grouping of higher density USES around an identifiable core, such as a plaza, common or other municipal facility.
- b) In addition, the Transfer of Development Rights should serve a public purpose on the LOT from which development rights are to be transferred, by providing shared

off-STREET parking, usable public or semi-public OPEN SPACE or other public amenities.

- c) The Board of Selectmen shall grant a Special Permit for the Transfer of Development Rights within the North Acton Village District only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

5.5C.1.4 Administration

- a) Determination of Development Rights for Affected LOTS – Before granting a Special Permit under Section 5.5C.1, the Board of Selectmen shall determine the development rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the residential, nonresidential, and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any development rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
- b) The Board of Selectmen shall require that upon Transfer of the Development Rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- c) Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the North Acton Village District.

5.5C.2 STREET reservations in the North Acton Village District – In the North Acton Village District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

, or take any other action relative thereto.

SUMMARY

Part A of this article would establish a menu of options to increase density in the East Acton Village District above the base density of 0.20 Floor Area Ratio (FAR). As the purpose statement in the article explains, the goal is to help distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A), to keep it compact, to maintain its historic structures, to increase business variety, to promote a pedestrian-friendly village environment, to encourage affordable housing, and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the

design provisions of a related EAV warrant article, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time.

A special permit will be required for increases in density under four options, which may be chosen individually or combined in different ways:

- Transfer of Development Rights (TDRs) from properties along Great Road outside of East Acton Village and from within the village district. These are present options in the zoning bylaw. New is a proposed bonus for transferring development rights from parcels along Nashoba Brook in the EAV and EAV-2 Districts.
- Preservation of historic structures certified by the Acton Historical Commission to be on Acton’s Cultural Resources Inventory. As a penalty for the willful destruction of historic structures, the article proposes a 25-year freeze on any additional floor area on the affected lot.
- At least 10% affordable housing on the site.
- U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) program certification. LEED is a "consensus-based national standard for developing high-performance, sustainable buildings." It is a point-based system, in which projects get points for complying with certain standards that the United States Green Building Council has set forth in six areas. These areas are sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. LEED is encouraged in the East Acton Village district in an effort to ensure that new development and redevelopment is undertaken with an eye toward a sustainable future for the village.

Whichever options are chosen or combined, the maximum density is capped at a Floor Area Ratio (FAR) of 0.50. Vehicle parking, open space, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level. Density in East Acton Village is not an end in itself, but a prerequisite to achieve the critical mass required for a vibrant village.

Part B would modify an existing footnote in the Table of Standard Dimensional Regulations to reflect the changes and additions to the variable density provisions for East Acton Village.

Part C: Because Part A of this article would establish separate variable density provisions for the East Acton Village District, Part C would modify the existing “Variable Density Provisions for North Acton and East Acton Village Districts” to apply only to the North Acton Village District. In addition, Part C would renumber the existing sections 5.5.3 and 5.5.5 to complete the new section numbering system introduced in a related EAV warrant article.

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Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 36 AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
(Two-thirds vote) EAV DISTRICT PARKING REQUIREMENTS

To see if the Town will vote to amend the zoning bylaw, section 6, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Delete section 6.9.1 and its subsections, and replace them with the following new sections 6.9.1 and 6.9.2.

- 6.9.1 In the EAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:
- 6.9.1.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except as may be provided otherwise in the Design Provisions for the East Acton Village District.
 - 6.9.1.2 Required off-STREET parking for a USE may be provided on any LOT within the same Zoning District as the USE, but not necessarily on the same LOT as the USE.
 - 6.9.1.3 Connection of Parking – A Special Permit Granting Authority shall require that all parking lots be connected by a common driveway to the parking lots of all adjacent USES and to all adjacent land in the EAV and EAV-2 Districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking lot shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.
 - 6.9.1.4 Number of Parking Spaces – The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking lot in accordance with Section 6.9.1.5 below, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.
 - 6.9.1.5 Collective Use of Parking Lots – Off-STREET parking lots may serve, collectively or jointly, different USES located throughout the EAV District where such a collective use of the parking lot is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking lot. The parking spaces provided through the collective use of parking lots shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.1.4 above.
 - 6.9.1.6 Structured Parking shall not be allowed except under ground.
 - 6.9.1.7 The parking lot design requirements of Section 6.7 shall apply in the EAV District, except that:
 - a) The requirements for parking lot cells and separation of cells (Section 6.7.1) shall not apply.
 - b) The requirements for set-backs (Section 6.7.2) shall not apply. This does not waive the requirements for perimeter landscaping (Section 6.7.6).
 - c) The interior area landscaping (Section 6.7.7) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet – Bioretention (EPA 832-F-99-012, September 1999), or equivalent. The landscaping requirements of Sections 6.7.8.1 through 6.7.8.5 shall not apply to bioretention areas. Bioretention areas may be sited anywhere in the parking lot that is convenient to manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be considered part of the minimum required OPEN SPACE.

6.9.2 In the NAV District, the following special provisions for parking shall apply:

6.9.2.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.

6.9.2.2 The Board of Selectmen may authorize by Special Permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies also within the NAV District.

B. Delete section 5.5.4 and insert a new section 6.9.2.3 as follows:

6.9.2.3 The number of parking spaces to be provided for a mixed-USE development in the North Acton Village District shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.

[Note: Section 5.5.4 currently reads:

5.5.4 Off-STREET Parking Discount for Mixed USES in the North Acton and East Acton Village Districts – The number of parking spaces to be provided for a mixed-USE development in the North Acton and East Acton Village Districts shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.]

, or take any other action relative thereto.

SUMMARY

Section 6 of the zoning bylaw addresses vehicle parking standards. Part A of this article would establish distinct vehicle parking standards for East Acton Village. It would reduce the number of parking spaces required for businesses in East Acton Village (EAV) to 70% of the requirement elsewhere, and allow the number of parking spaces required for businesses in EAV to be reduced to 50% of the requirement if parking is shared with other businesses. One of the goals of the East Acton Village Plan is to make the village more pedestrian and bicycle friendly. This article would encourage people visiting EAV to either walk to the village, or to park in one place and complete all their errands and activities on foot. Another goal of the East Acton Village Plan is to enhance the appearance of the village. The sight of continuous parking areas is aesthetically unpleasing and does not create the effect of a village center. If adopted, this article could also reduce driveway curb cuts along Great Road, potentially reducing traffic turning movements and conflicts between pedestrians or bicyclists and vehicles. Furthermore, research has shown that stream degradation could occur at relatively low levels of impervious cover such as parking lot pavement. Allowing fewer parking spaces would minimize impervious cover for the benefit of nearby Nashoba Brook.

The article also proposes to prohibit above-ground structured parking within the East Acton Village district. Structured parking can detract from the sense of village.

If adopted, this article would allow the consolidation of required parking lot landscaped areas into parking lot runoff bioretention areas. Bioretention areas use plants to remove pollutants from stormwater runoff. The consolidation of landscaped islands is encouraged in East Acton Village parking lots to trap and mitigate runoff from paved parking areas, create additional contiguous green space improving aesthetics and encouraging wildlife, and minimize land disturbance during development and redevelopment. Bioretention areas may be sited in such a way as to aid in traffic calming and encourage pedestrian use. They may be adjacent to and connecting with vegetated areas on the perimeter of a lot.

Part B of this article would amend section 5.5.4, which relates to parking standards, to apply only to the North Acton Village District, and relocate it to become new section 6.9.2.3 so that it is grouped with other parking standards for North Acton Village.

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Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 37 **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**
(Two-thirds vote) **MODIFIED SIGN REGULATIONS FOR EAV**

To see if the Town will vote to amend section 7 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete section 7.4.1 and replace it with a new section 7.4.1 as follows:

7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a SIGN have a wooden appearance.

[Note: Section 7.4.1 currently reads:

7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based product or sheet metal.]

B. Delete section 7.4.3.5 and replace it with new sections 7.4.3.5 and 7.4.3.6 as follows:

7.4.3.5 In the EAV District, PROJECTING SIGNS, AWNING SIGNS, WALL SIGNS and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.

7.4.3.6 In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

And, renumber existing sections 7.4.3.6 and 7.4.3.7 to become sections 7.4.3.7 and 7.4.3.8 respectively.

[Note: Section 7.4.3.5 currently reads:

7.4.3.5 In the Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]

C. Delete section 7.4.5.1 and replace it with a new section 7.4.5.1 as follows:

7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN. However, in the EAV District, a combination of up to three such SIGN types shall be permitted per

PRINCIPAL USE. This section does not apply to any SIGN that does not require a SIGN Permit as listed in Section 7.5, or to an off-premises directional SIGN permitted under Section 7.9, or to a special event SIGN permitted under Section 7.10.

[Note: Section 7.4.5.1 currently reads:

7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN; not including any SIGN which does not require a SIGN Permit as listed in Section 7.5 or an off-premises directional SIGN permitted under Section 7.9 or a special event SIGN permitted under Section 7.10.]

- D. Delete the 5th sentence of section 7.7.6 and replace it with the following new sentence:

“Except in the EAV District, if the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same PRINCIPAL USE.”

[Note: The 5th sentence of section 7.7.6 currently reads:

”If the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same business USE.”]

- E. Before the last sentence of section 7.7.7 insert the following sentence:

“In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall.”

[Note: Section 7.7.7 currently reads:

7.7.7 Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.]

- F. Delete the first sentence in section 7.8.6.2 and replace it with the following new sentences:

“Where a FREESTANDING SIGN identifies a business in the NAV, SAV, or WAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT. Where a FREESTANDING SIGN identifies a business in the EAV District, one EXTERIOR SIGN shall be permitted.”

[Note: Section 7.8.6.2 applies to village zoning districts. Its first sentence currently reads:

“Where a FREESTANDING SIGN identifies a business, no EXTERIOR SIGN shall be ERECTED on the same LOT.”]

, or take any other action relative thereto.

SUMMARY

This article would amend the regulations for signs in the East Acton Village zoning district. It would allow, in addition to the current allowed material for signs in the village, the use of “wood appearance” signs. If adopted, this article would allow the use of “gooseneck” lamps, or lighting from above, for

external lighting of signs (currently gooseneck lighting is only allowed for freestanding signs in the village districts). This article would also allow businesses to choose a maximum of four exterior signs, provided that there are not more than two types of signs on the front wall of the business. If a business chooses to use a freestanding sign, the site would be limited to one other sign on the building, whereas currently no additional sign is allowed. It is anticipated that these changes, if adopted, would update and improve East Acton Village signage to aid local businesses and patrons.

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Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 38 **AMEND TOWN BYLAW – EAST ACTON VILLAGE PLAN**
(Majority vote) **PROHIBITION OF MOTORIZED CRAFT ON ICE HOUSE POND**

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E57 as follows:

E57. Motorized Craft on Ice House Pond:

Except for emergency rescue and law enforcement purposes, and for purposes of construction and maintenance by the Town of Acton or its designee, no person shall launch, place, float, use, or land a craft with an internal combustion engine in or on Ice House Pond, which pond is located off Concord Road in the East Acton area. The Police Officers of the Town of Acton shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of three hundred dollars (\$300.00), whereby each incident of violating this bylaw and each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

If adopted, this article would ban all craft with internal combustion engines from Ice House Pond except for emergency, construction, and maintenance purposes. Ice House Pond is a favored spot for ice skating, fishing, row boating, canoeing, and bird watching. It is periodically stocked with trout for sport fishing purposes. The Pond is a Class B waterbody, so designated for the protection and propagation of fish and other wildlife, and for these types of primary or secondary recreational activities. Ice House Pond's shallow depth (+/-5 feet) and small size (12 acres) makes it unsuitable for motorized craft. Motorized craft create noise, create a wake, and release unburned gasoline and oil, which could disturb the pond's tranquility, pollute its waters, disturb or harm wildlife, contribute to shoreline erosion, and impede or eliminate the recreational activities on the pond that Acton residents and visitors enjoy.

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> No Recommendation
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ARTICLE 39 AMEND ZONING BYLAW – SOUTH ACTON VILLAGE DISTRICT
(Two-thirds vote) MULTI-FAMILY DWELLINGS

To see if the Town will vote to amend the zoning bylaw, section 3, by adding to footnote (2) in the Table of Principal Uses the following sentence *[Notes in italic print are not part of the article but are intended for explanation only]*:

"In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per Multifamily Dwelling."

[Note: Footnote (2) applies to Multifamily Dwellings in the South Acton Village (SAV) district and the Village Residential (VR) district in West Acton. It currently reads as follows:

(2) Not more than four DWELLING UNITS shall be permitted per Multifamily Dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.]

, or take any other action relative thereto.

SUMMARY

Presently, multifamily dwellings in the South Acton Village District are limited to four dwelling units per building. This article provides that the Board of Selectmen may grant a special permit for buildings with more than four dwelling units. This special permit is in addition to the site plan special permit that the zoning bylaw already requires. It is the Planning Board's belief that this change will allow the construction of larger residential buildings that are more consistent with or reminiscent of South Acton's history and architectural heritage as a 19th century manufacturing center. The added special permit affords authority and discretion for the architectural review of the proposed buildings that a site plan special permit alone may not provide. This article would not change the overall density limits for residential development in the South Acton Village district.

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Not Recommended	Recommended

ARTICLE 40 **AMEND ZONING BYLAW**
(Two-thirds vote) **ADJUSTMENTS TO SECTION 9B – SENIOR RESIDENCE**

To see if the Town will vote to amend section 9B of the zoning bylaw as follows: *[Notes in italic print are not part of the article but are intended for explanation only]*:

A. Insert a new section 9B. 2.3 as follows:

9B.2.3 Underlying Zoning District – Where the Planning Board grants a special permit for a Senior Residence, the USE, dimensional, and parking requirements applicable to the underlying zoning district shall not apply.

B. Insert a new section 9B.4.3 as follows:

9B.4.3 Two-FAMILY Dwellings.

And, renumber existing sections 9B.4.3 through 9B.4.7 to become sections 9B.4.4 through 9B.4.8 respectively.

[Note: Section 9B.4 and its subsections currently read:

9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:

9B.4.1 Single FAMILY Dwellings.

9B.4.2 Single FAMILY Dwellings with one apartment.

9B.4.3 Multifamily Dwellings.

9B.4.4 ACCESSORY USES typically associated with residential USES.

9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.

9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.

9B.4.7 Allowed USES on the Common Land as set forth herein.]

C. Delete section 9B.5 and its subsections 9B.5.1 through 9B.5.10 and replace them with a new section 9B.5 and new subsections as follows:

9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.

9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.

9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET within the site; 30 feet from any TRACT OF LAND boundary; and 10 feet from the Common Land boundary, except that the Planning Board may require larger setbacks.

9B.5.4 Minimum separation of BUILDINGS: 20 feet for exterior walls with doors, otherwise 10 feet.

9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.

9B.5.6 Maximum horizontal dimension of a BUILDING: 200 feet.

9B.5.7 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

[Note: Section 9B.5 and its subsections currently read:

9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

- 9B.5.1 *Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.*
- 9B.5.2 *Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.*
- 9B.5.3 *Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.*
- 9B.5.4 *Minimum separation of BUILDINGS: 20 feet.*
- 9B.5.5 *Maximum height of BUILDINGS and STRUCTURES: 36 feet.*
- 9B.5.6 *Maximum number of DWELLING UNITS per BUILDING: 4.*
- 9B.5.7 *Maximum horizontal dimension of a BUILDING: 200 feet.*
- 9B.5.8 *Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.*
- 9B.5.9 *Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.*
- 9B.5.10 *The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.]*

D. Delete paragraph 9B.9.1 and replace it with a new paragraph 9B.9.1 as follows:

9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

[Note: Section 9B.9.1 currently reads:

9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:]

E. Delete section 9B.9.1.2 and replace it with a new section 9B.9.1.2 as follows:

9B.9.1.2 Eighty percent (80%) of the minimum required Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each such Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide. The other twenty percent (20%) of the Common Land may be scattered throughout the development site for buffer, screening, or park purposes.

[Note: Section 9B.9.1.2 currently reads:

9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.]

F. Delete section 9B.12.3 and replace it with a new section 9B.12.3 as follows:

9B.12.3 Density Bonus Option –

9B.12.3.1 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 6 per acre in the R-2 District, and to 4 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 10% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.

9B.12.3.2 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 7 per acre in the R-2 District, and to 5 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 15% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.

9B.12.3.3 Rounding to whole unit numbers shall be made to the nearest integer. When rounding, fractions of .5 shall be rounded up.

9B.12.3.4 The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS under this density bonus option.

[Note: Section 9B.12.3 currently reads:

Density Bonus Option – The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.]

, or take any other action relative thereto.

SUMMARY

The Senior Residence development option, section 9B of the zoning bylaw, was introduced in 2000 as an alternative to standard single-family home developments in residential zoning districts and as a response to the housing needs of Acton's growing senior population including the need for affordable senior housing. This option has not been utilized, yet. Several developers have explored and discussed with Planning Department staff the use of section 9B of the zoning bylaw. During these discussions the dimensional requirements of section 9B became a concern as being too limiting to make Senior Residence housing an economically attractive and viable development alternative to single-family homes.

A recent review of conceptual development schemes on the proposed Ellsworth Village site in East Acton for a Senior Residence project under section 9B revealed this problem clearly (this site has also been proposed for a Ch. 40B affordable housing project). The site is very little constrained by wetlands or odd-shape lot inefficiencies. Yet, applying all dimensional requirements of section 9B, would not permit the 3 units per acre housing densities that the regulations purport to allow in the zoning district. This strongly suggests that changes are necessary to realize the intent of Town Meeting to generate senior housing and senior affordable housing through section 9B.

This article would adjust or clarify some of the dimensional requirements for buildings and structures, and delete others. It would also reduce the minimum common land or open space requirement to 50% (presently 60%) of the total development site, 20% of the set-aside common land could be scattered in small portions, throughout the site to create areas for buffers, screening, and small parks.

Section 9B requires a small affordable housing component of 5%, but also provides for the inclusion of more affordable dwelling units with a further increase in density. This Article would reduce the maximum density under this bonus option, adjust the requirement for affordable dwelling units accordingly, and give the Planning Board, as the special permit granting authority, the flexibility to further adjust or waive dimensional, parking, and common land requirements in order to accommodate the density increases that come with affordable housing.

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Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 41 * AMEND ZONING BYLAW – HOUSEKEEPING (Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Amend the zoning map, Map No. 1, by rezoning from Residence 2 (R-2) to Village Residential (VR) an area of land shown in the 2003 Town Atlas on map F-2B as parcel 58.

B. Amend the zoning map, Map No. 1, by rezoning from Residence 8 (R-8) to Residence 10/8 (R-10/8) an area of land shown in the 1993 Town Atlas on map F-5 as parcel 12-3.

C. Amend the zoning bylaw by deleting sections 3.5.12 and 3.5.13 and replacing them with new sections 3.5.12 and 3.5.13 as follows:

3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, diaper service, building cleaning service, funeral home, shoe repair, tailor, clothing rental shop, equipment rental or leasing, food catering, photocopying, secretarial service, or similar USES or establishments.

3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.

[Note: Sections 3.5.12 and 3.5.13 currently read as follows:

3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments.

3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment;

diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.]

- D. Amend the zoning bylaw, section 7.5, by deleting the last sentence of the lead paragraph and replacing it with the following new sentence:

“No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN, directional SIGN, or an EXTERIOR SIGN.”

[Note: The lead paragraph of section 7.5 currently reads as follows:

7.5 SIGNS Which Do Not Require a SIGN Permit – The following SIGNS do not require a SIGN Permit or Special Permit, nevertheless such SIGNS shall comply with Sections 7.3 and 7.4 above unless specifically provided otherwise in this section. No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN or an EXTERIOR SIGN.]

, or take any other action relative thereto.

SUMMARY

Part A of this article would rezone to Village Residential a +/-7500-square foot parcel of land with a building on it. The parcel's street address is 220 Central Street in West Acton. It is located between Central Street and Willow Street near the intersection of the two. Town Meeting established the Village Residential District in this area in April of 1994. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels are zoned Village Residential.

Part B of this article would rezone to Residence 10/8 a long narrow sliver of land on the northwest side of Pope Road from 150 Pope Road to the intersection with Strawberry Hill Road. The subject parcel was last identified in the 1993 Town Atlas. It has since been incorporated into several new residential lots shown in the 2003 Town Atlas on map F-5 as parcels 55 (150 Pope Road), 56 (160 Pope Road), 57 (178 Pope Road), and 58 (180 Pope Road), and on map E-5 as parcels 16-15 (115 Strawberry Hill Road) and 16-16 (186 Pope Road). Town Meeting established the Residence 10/8 District in this area in November of 1990. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels on this side of Pope Road are zoned Residence 10/8. With this change the six mentioned lots would be zoned uniformly.

Part C corrects the use definitions for 'Services' (section 3.5.12) and 'Repair Shop, Technical Shop, Studio' (section 3.5.13). A recent review of these sections revealed that a mix-up had occurred with some of the uses listed in these definitions in the 2000 Annual Town Meeting warrant when these sections were last revised as part of a complete rewrite of section 3.

Part D amends a paragraph in the sign regulations of the zoning bylaw to allow directional signs within the 5-foot front setback that applies to most other signs. Directional signs as defined in the zoning bylaw are for instance, enter / exit signs, handicapped parking signs, or street address signs.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 42 AMEND ZONING BYLAW
(Two-thirds vote) AMEND AGRICULTURAL USE DEFINITION

To see if the Town will vote to amend the zoning bylaw, by deleting the first two sentences of section 3.2.1 and replacing them with following new sentences:

“On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3.

[Note: Section 3.2.1 currently reads:

Agriculture – On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture; floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be in conformance with the definitions and requirements for these activities of MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age.]

, or take any other action relative thereto.

SUMMARY

This article would further define the meaning of “horticulture” in the definition of “Agriculture” on a parcel of more than five acres (section 3.2.1 of the zoning bylaw), and conform the definition of “Agriculture” to MGL Ch. 40A, s. 3.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Recommended	Deferred

ARTICLE 43 AMEND ZONING BYLAW – ARC DISTRICT CHANGES

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows:

- A. Amend the zoning map, Map No. 1, by rezoning from General Industrial (GI) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map F-3 as parcels 16 and 16-1.
- B. Amend the zoning bylaw, section 5, Table of Dimensional Regulations, by deleting the line for ARC and replacing it with a new line for ARC as follows *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the ARC district, the present designation is shown in brackets]*:

Zoning Districts	Minimum LOT Area In sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
ARC	NR	20	50	20	10	NR	NR	36
	<i>[80,000]</i>			<i>[45]</i>	<i>[20]</i>			

, or take any other action relative thereto.

SUMMARY

This Article intends to accommodate the T. J. O’Grady Memorial Skate Park design on its chosen site on Hayward Road. Part A would rezone the +/- 1.3-acre (+/- 57,000 square feet) town-owned property at 66 Hayward Road from General Industrial District (GI) to the Agriculture Recreation Conservation (ARC) District. Part B would change dimensional requirements in the ARC District, dropping the minimum lot area requirement, and reducing the minimum yard requirements for buildings and structures from 45 to 20 feet in the front and from 20 to 10 feet in the side and rear.

Rezoning of the site from GI to ARC reflects the future recreation use of the property. Although the park would be allowed under the site’s present GI zoning, the rezoning to ARC allows for changes in the dimensional requirements that might not be appropriate for industrial uses, but are needed to accommodate the skate park. Given the site’s topography and existing wetlands constraints, the skate park with its proposed permanent concrete structures, including a series of ramps, a “bowl,” and a street course, requires reductions in the minimum setback dimensions in order to fit its design in a practical, safe, and cost efficient manner on the site. The elimination of the minimum lot size requirement is proposed because the skate park site is too small to meet the present minimum requirement for lots with buildings or structures on them.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended	<u>Planning Board</u> Recommended
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ARTICLE 44 * STREET ACCEPTANCE – BELLOWS FARM SUBDIVISION
(Two-thirds vote)

To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the BELLOWS FARM SUBDIVISION

DAVIS ROAD – a loop road, from the previous limit of acceptance at Station 23 + 00 (1300 feet from Great Road) a distance of 6047 feet, more or less, in a generally easterly, southerly, westerly, then northerly direction to the southerly sideline of Davis Road, this being the entire road;

BRIAR HILL ROAD – from the easterly sideline of Davis Road a distance of 1259 feet, more or less, in a generally easterly direction to the easterly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road;

BELLOWS FARM ROAD – from the easterly sideline of Davis Road a distance of 1640 feet, more or less, in a generally northerly direction to the southerly sideline of Briar Hill Road, including Parcel C and the 20-foot wide Emergency Access Only Easement to Strawberry Hill Road, this being the entire road;

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Davis Road, Briar Hill Road and Bellows Farm Road have followed this process, and are now ready for acceptance. Parcel C is a 50-foot wide street right of way, which together with the emergency access only easement provides a connection for emergency vehicles to Strawberry Hill Road.

Direct inquiries to: David F. Abbt, Engineering Administrator
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 45 * STREET ACCEPTANCE – MAPLE CREEK FARM SUBDIVISION
(Two-thirds vote)

To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the MAPLE CREEK FARM SUBDIVISION

WOODFIELD ROAD – from the southerly sideline of Summer Street a distance of 994 feet, more or less, in a generally southerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road;

SHADY LANE – from the westerly sideline of Woodfield Road a distance of 594 feet, more or less, in a generally westerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road;

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Woodfield Road and Shady Lane have followed this process, and are now ready for acceptance.

Direct inquiries to: David F. Abbt, Engineering Administrator
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the NORTH ACTON WOODS SUBDIVISION

ALEXANDRA WAY – from the northeasterly sideline of Harris Street a distance of 1495 feet, more or less, in a generally northerly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road;

REEVE STREET – from the easterly sideline of Alexandra Way a distance of 574 feet, more or less, in a generally easterly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac and Parcel A (a 40-foot wide street right-of-way containing 8,584 square feet), this being the entire road;

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Alexandra Way and Reeve Street have followed this process, and are now ready for acceptance. Parcel A will provide for a future street connection from Reeve Street to land now or formerly of the Four Seasons Tennis Club, Inc. on Granite Road.

Direct inquiries to: David F. Abbt, Engineering Administrator
engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 47 * LAND GIFT – 190 ARLINGTON STREET

(Majority Vote)

To see if the Town will vote to accept as a gift from Michael J. Coppolino and Paul Bevilacqua a parcel of vacant land located at 190 Arlington Street and shown as Parcel 3A-2 – 36,849 Square Feet on a plan entitled “Plan of Land in Acton, Massachusetts (Middlesex County), For: Michael J. Coppolino, dated May 28, 2002, and recorded at the Middlesex South District Registry of Deeds, Cambridge, MA as Plan 678 of 2002, said parcel is also shown on Map F-2A of the Town Atlas as Parcel 22-2, for general municipal purposes, or take any other action relative thereto.

SUMMARY

This is a parcel of land adjacent to Fort Pond Brook and is substantially Wetland and Flood Plain Zone. In addition, it exhibits important wildlife habitat characteristics and is located at the confluence of Fort Pond Brook and Grassy Pond Brook. This is a parcel of open space worthy of protection.

Direct inquiries to: Tom Tidman, Director of Natural Resources
 nr@acton-ma.gov / (978)-264-9631

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 48 * LAND GIFT – NORTH ACTON WOODS SUBDIVISION

(Majority Vote)

To see if the Town will vote to accept as a gift from North Acton Woods Limited Partnership two parcels of vacant land on Alexandra Way and Reeve Street shown as Open Space Parcels A-1 (14.12 acres) and C (6.62 acres), both as shown on plans recorded in the Middlesex South District Registry of Deeds (Plan No.’s 314 of 1999 and 605 of 2001), and on Map C-5 of the Town Atlas as Parcel 24, and Parcel 45, respectively, for purposes of conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry or open space, or take any other action relative thereto.

SUMMARY

The two open space parcels are being donated to the Town pursuant to Planning Board Decision 98-17 for the North Acton Woods Definitive Subdivision and Planned Conservation Residential Community under Section 9 of the Acton Zoning Bylaw. Open Space Parcel A-1 provides access to and abuts other land of the Town. Both parcels are associated with the recent subdivision known as North Acton Woods located on Harris Street in North Acton.

Direct Inquiries to: Roland Bartl, Town Planner
 planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 49 * DRAINAGE EASEMENT – SQUIRREL HILL ROAD

(Two-thirds vote)

To see if the Town will vote to accept as a gift from Parmley Corp., and the Trustees of The Welton Realty Trust, proposed drainage easements partially twenty (20) feet wide and partially of variable width, on lots 114, 115, and 116, said lots are numbered 33, 35, and 37 Squirrel Hill Road, as shown on a plan entitled “Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for Sweeney & Sons and dated December 2003, to be recorded at the Middlesex South District Registry of Deeds; and to abandon the Town’s right, title and interest to the existing twenty (20) foot wide drainage easements on said lots taken by Eminent Domain on June 24, 1975, by an Order of Taking recorded at said Registry in Book 12831 Page 574, or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will abandon an existing drainage easement on the west side of Lot 115 (35 Squirrel Hill Road) and create a new drainage easement on the east side of Lot 115. Two existing drain outfalls will be combined into one, and improved pollution control devices will be retrofitted to the existing drainage system in Squirrel Hill Road. The existing drainage easement at the rear of Lots 114, 115, and 116 will be enlarged to encompass the entire area traversed by the existing intermittent stream in this area. All legal and construction costs will be the responsibility of Sweeney & Sons. Plans of the proposed work are available for viewing at the Acton Engineering Department.

Direct Inquires to: David F. Abbt, Engineering Administrator
 engineering@acton-ma.gov / (978) 264-9628

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 50 * SIDEWALK EASEMENT – ARLINGTON STREET

(Majority vote)

To see if the Town will vote to accept as a gift from Richard Gordon and Paula Starr Gordon, a permanent sidewalk easement and a temporary 5’ wide sidewalk construction easement at 294 Arlington Street and being shown as “Proposed Sidewalk Easement” and “Proposed Temporary 5’ Wide Sidewalk Construction Easement” on a plan entitled ”Definitive Subdivision Plan for Thunder Way, Acton, Massachusetts”, dated March 31, 2003, last revised September 9, 2003, and as described more fully in a Grant of Easement to the Town of Acton, both to be recorded at the Middlesex South District Registry of Deeds, Cambridge MA, or take any other action relative thereto.

SUMMARY

The donation of this easement is for a proposed sidewalk at this location required as a condition of approval of the Thunder Way Subdivision by the Acton Planning Board. The easement allows for the extension of the existing sidewalk on Arlington Street near West Acton Village.

Direct Inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 51 * AMEND TOWN CHARTER
(Two-thirds vote)

To see if the Town will vote to amend the Town Charter as follows:

- (1) Amend Section 4-2 by adding the following line directly below “Board of Health:”

<u>Board or Commission</u>	<u>Number of Members</u>	<u>Length of Term (years)</u>
Board of Health (Associate Members)	2	3

- (2) Amend Section 4-2 by adding the following text paragraph under the existing table of Selectmen appointees:

The chairperson of any town board or commission with associate or alternate members may designate any such associate or alternative member to sit on the board of the agency for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular board member thereof, or in the event of a vacancy on the board, until said vacancy is filled.

SUMMARY

This Article is the first step in amending the Town Charter by authorizing the Board of Selectmen to appoint Associate Board of Health Members and to authorize the Chairman of a Board or Commission to designate an associate member as a voting participant in cases when a full member is unavailable to vote. This article has been proposed due to the complexity of issues before the Board of Health. These issues have increased the situations when member conflict of interests has required them to be recused from the issue. In some cases this leads to a Board without a quorum and unable to act on the issue. Should Town Meeting approve this Article it will be submitted to the voters at the first regular town election.

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this fourth day of March 2004.

Walter M. Foster, Chairman
Peter K. Ashton
F. Doré Hunter
William H. Shupert, III
Robert A. Johnson

Board of Selectmen

A true copy, Attest:

Constable of Acton

Glossary

Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed Valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Capital Exclusion: A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

Cemetery Land Fund: A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

Classification: The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: Payment of interest and principal related to debt.

Encumbrance: Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Enterprise Fund: A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges and may be supplemented by taxes.

Equalized Valuation: The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

Excess And Deficiency: Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

Expenditure: The spending of money by the town and schools for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which its ends; for example, FY04 or FY 2004 is the fiscal year which ends June 30, 2004.

Free Cash: Certified each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax Bill: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$ 300,000	
Tax rate:	\$ 10	which means \$10 per thousand
Levy:	\$ 10	multiplied by \$300,000 and divided by \$1,000
Result:	\$ 3,000	

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

Reserve Fund: A fund appropriated each year that may be used only by vote of the Finance Committee for “extraordinary or unforeseen expenditures.”

Revolving Fund: Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

Warrant: A list of matters to be acted on by Town Meeting.

Parliamentary Procedure

Acton Town Meeting Procedures

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

Motion	Second Required	Debatable	Amendable	Vote Required	May Recon-Sider	May Interrupt
Dissolve	Yes	No	No	Majority	No	No
Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
Lay on the Table	Yes	No	No	Two-thirds	Yes	No
Previous Question	Yes	No	No	Two-thirds	No	No
Limit Debate	Yes	No	No	Two-thirds	Yes	No
Postpone to a Time Certain	Yes	Yes	Yes	Majority	Yes	No
Amend	Yes	Yes	Yes ¹	Majority	Yes	No
Postpone Indefinitely	Yes	Yes	No	Majority	Yes	No
Point of Order	No	No	No	None	No	Yes
Main Motion	Yes	Yes	Yes	Varies	Yes	No
Reconsider²	Yes	Yes	No	Two-thirds	No	No

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

Fix the time to adjourn is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

Lay on the table is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

The previous question cuts off debate immediately and causes a vote on the article or amendment under discussion.

Limit debate is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

Postpone to a time certain is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

Postpone Indefinitely serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

Point of Order – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the moderator is committing.

Main Motions are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

Reconsideration may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious night – TOWN MEETING.

Don MacKenzie
Town Moderator



Information
Technology

Internet References

Town of Acton

472 Main Street

Acton, MA 01720

Telephone (978) 264-9606

E-mail it@acton-ma.gov

Official Town of Acton Web Site

www.acton-ma.gov

The Town maintains electronic mail ("E-mail") distribution groups for all Boards, Committees and Commissions, as well as Departments. Such groups are commonly referred to as "shells."

E-mails sent to shells are automatically forwarded to all members of the group who have provided their e-mail address to the Town.

Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.

To use a shell, send your e-mail to the address listed in the right-hand column of this table. When replying to an e-mail sent to a shell, it is recommended that you use the "Reply to All" function of your e-mail program so that all members are copied on your reply.

Acton Community Housing Corporation	achc@acton-ma.gov
Acton Leadership Group	alg@acton-ma.gov
Acton-Boxborough Cultural Council	abcc@acton-ma.gov
Appeals, Board of	boa@acton-ma.gov
Assessor Department	assessor@acton-ma.gov
Assessors, Board of	bas@acton-ma.gov
Building Department	building@acton-ma.gov
Cable Advisory Committee	cac@acton-ma.gov
Cemetery Department	cemetery@acton-ma.gov
Citizens' Library Department	wacl@acton-ma.gov
Clerk Department, Town	clerk@acton-ma.gov
Collector Department	collector@acton-ma.gov
Commission on Disability	cod@acton-ma.gov
Community Preservation Committee	cpc@acton-ma.gov
Conservation Commission	conscom@acton-ma.gov
Council on Aging	coa@acton-ma.gov
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov
East Acton Village Planning Committee	eav@acton-ma.gov
Economic Development Committee	edc@acton-ma.gov
Emergency Management Agency, Acton	ema@acton-ma.gov
Engineering Department	engineering@acton-ma.gov
Fair Housing Committee	fhc@acton-ma.gov
Finance Committee	fincom@acton-ma.gov
Finance Department	finance@acton-ma.gov
Fire Department	fire@acton-ma.gov
Hanscom Field Advisory Committee	hfac@acton-ma.gov
Health Department	health@acton-ma.gov
Health, Board of	boh@acton-ma.gov
Highway Department	highway@acton-ma.gov

Historic District Bylaw Study Committee	hdbsc@acton-ma.gov
Historic District Commission	hdc@acton-ma.gov
Historical Commission	hc@acton-ma.gov
Human Resources Department	hr@acton-ma.gov
Information Technology Department	it@acton-ma.gov
Joint Technology Advisory Committee	jtac@acton-ma.gov
Land Stewardship Committee	lsc@acton-ma.gov
Manager Department, Town	manager@acton-ma.gov
Memorial Library Department	library@acton-ma.gov
Metropolitan Advisory Planning Council	mapc@acton-ma.gov
Municipal Properties Department	mp@acton-ma.gov
Natural Resources Department	nr@acton-ma.gov
Nursing Department	nursing@acton-ma.gov
Open Space and Recreation Committee	osrc@acton-ma.gov
Outdoor Lighting Advisory Committee	olac@acton-ma.gov
Parking Clerk	parkingclerk@acton-ma.gov
Personnel Board	peb@acton-ma.gov
Planning Board	pb@acton-ma.gov
Planning Department	planning@acton-ma.gov
Police Department	police@acton-ma.gov
Public Ceremonies Committee	pcc@acton-ma.gov
Public Safety Facilities Building Committee	psfbc@acton-ma.gov
Recreation Commission	reccom@acton-ma.gov
Recreation Department	recreation@acton-ma.gov
School Committee, Acton-Boxborough Regional	abrsc@acton-ma.gov
School Committee, Acton Public	apsc@acton-ma.gov
Selectmen, Board of	bos@acton-ma.gov
Senior Taxation Aid Committee	stac@acton-ma.gov
South Acton Revitalization Committee	sarc@acton-ma.gov
Town Report Committee	trc@acton-ma.gov
Transportation Advisory Committee	tac@acton-ma.gov
Treasurer's Advisory Committee	trac@acton-ma.gov
Volunteer Coordinating Committee	vcc@acton-ma.gov
Wastewater Advisory Committee	wac@acton-ma.gov



Vol unteer Coordinating Committee

Vol unteer Application

Town of Acton

472 Main Street

Acton, MA 01720

Tel ephone (978) 264-9612

Fax (978) 264-9630

E-mail vcc@acton-ma.gov

Residents interested in serving on a Town Board, Committee or Commission are requested to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Title Mr. Mrs. Ms. Dr.	E-mail Address	Date
Last Name	First Name	Middle Initial
Street Address	Home Phone	Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: _____

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: _____

Do you have any time restrictions? _____

Are you a U.S. Citizen? _____ How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? _____

Education or special training: _____

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc.:

Town of Acton Volunteer Boards, Committees and Commissions

Acton Community Housing	Historic District Commission
Acton-Boxborough Cultural Council	Historical Commission
Aging, Council on	Joint Technology Advisory Committee
Appeals, Board of	Metropolitan Advisory Planning Council
Assessors, Board of	Minuteman Home Care
Cable Advisory Committee	Minuteman Vocational School Representative
Cemetery Commission	Personnel Board
Community Preservation Committee	Planning Board
Conservation Commission	Public Ceremonies Committee
Disability, Commission on	Recreation Commission
Fair Housing Committee	South Acton Revitalization Committee
Finance Committee	Town Report Committee
Hanscom Field Advisory Committee	Transportation Advisory Committee
Health, Board of	Volunteer Coordinating Committee

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, (978) 264-9612.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC Interview

Applicant Called _____

Schedule Date & Time _____

Recommendation _____

Appointing Body

Selectmen / Manager / Moderator

Interview Date _____

Appointed Date _____

Term _____

Board, Committee or Commission

Member / Alternate / Associate

Member / Alternate / Associate

Member / Alternate / Associate

Member / Alternate / Associate

Notification of Appointment

Recommendation Sent _____

Received by VCC _____

Committee Notified _____

Applicant Notified _____



No openings at this time

Proposed Town Meeting Booklet

As I mentioned a year ago at Town Meeting, I plan to put together a series of thoughts or vignettes on town meeting during the latter part of the Twentieth and the first few years of the Twenty-First Centuries. No such work presently exists – But I’ll need your help.

I’d very much appreciate your writing a few thoughts on town meeting – the “good” or the “less than good” about the process, a fond (particularly humorous) memory, a good or otherwise decision made, or anything in general you’d like to have included and be attributed to you in the booklet.

Please mail your submission to me at 12 Wilson Lane, Acton. I’d like to receive 100 or more different ideas for inclusion. Thank you.

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

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